

PLANS TO PREVENT DISCRIMINATION IN PUBLIC PLACES IN NEW YORK STATE

Assemblyman A. J. Levy of New York, Introduces Important Bill at Albany Which is Designed to Give All Equal Accommodation

RACE, CREED OR COLOR TO BE NO BAR IN
HOTELS, RESTAURANTS, AND THEATRES

Assemblyman Levy Would So Amend Civil Rights Bill as to Make Proprietor or Employee Liable to Big Fine—Aggrieved Party Can Sue and Get \$500 Damages—Offender, if Found Guilty, Can Be Fined from \$250 or \$1,000 or Sent to Jail for from Thirty Days to Six Months—Bill Now in the Hands of the Committee on Codes. *N.Y. Age 1-30-13*

Albany, N. Y., Jan 29.—A bill designed to put an end to discrimination on account of race, creed or color, in the public places of New York State, has been introduced by Assemblyman A. J. Levy of New York. The author of the bill feels confident of its passage. The measure has been referred to the Committee on Codes.

The bill introduced by Mr. Levy is styled an act to amend chapter fourteen of the laws of 1909, entitled, "An act relating to civil rights, constituting chapter six of the consolidated laws."

The bill provides that no person, being the owner, lessee, proprietor, manager, superintendent, agent or employe of a place of public accommodation shall directly or indirectly refuse anyone accommodations, and that if found guilty shall be liable to a penalty of \$500, to be recovered by the aggrieved person or shall be fined not less than \$250 or no more than \$1,000, or be sentenced to jail for not less than thirty days or no more than six months.

Heretofore the proprietors of public places who have been made defendants in damage suits in which color or religious discrimination was charged, have often put the blame on employees. The bill will be so amended as to make either the proprietor or employee liable.

The bill reads that a place of public accommodation, resort or amusement within the meaning of the article shall be deemed to include any inn, tavern or hotel, whether conducted for the entertainment of transient guests, or for the accommodation of

those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barber shop, theatre and music hall.

and a lady friend from the first floor of the Lyric Theatre. The theatrical manager appealed the case to the Court of Special Sessions, which ruled that the defendant either would have to pay a \$59 fine or go to the city prison for ten days. Justices M. Beul, Franklin C. Hoyt and Joseph J. McInerney upheld Magistrate Appleton without a dissenting vote.

Levy next appealed the case to the Appellate Division of the Supreme Court, which Friday, by a vote of three to two, sustained the findings of the Court of Special Sessions. Justices George L. Ingraham, Chester B. McLaughlin and John Proctor Clarke voted to affirm, and Justices Frank C. Laughlin and Francis M. Scofield voted to reverse the unanimous decision of the Court of Special Sessions. No opinion was filed in the case.

The moral effect of the decision is far-reaching and of great importance. As the last resort Levy might appeal to the Court of Appeals of the State of New York. However, all other discrimination cases brought in the future will be based on the decision of the Appellate Division of the Supreme Court until Levy or some other defendant takes an appeal to the Court of Appeals and gets a decision.

It is said that Levy has the backing of the theatrical trust in his fight, which is opposed to seating colored citizens on the first floor of its theatres.

The suit against Levy grew out of Louis F. Baldwin purchasing two seats in the orchestra for a performance at the Lyric Theatre October 13, 1911. When Baldwin, accompanied by the young lady, went to the theatre they were refused admittance on the orchestra and told that colored people were not allowed to sit in the orchestra circle. Baldwin then instituted criminal proceedings against Levy, and the case was first heard in the Seventh District Magistrate Court.

SUES THEATRE MANAGER.

Andrew Sims, Jr., 152 Wright street, Newark, has brought suit for \$500 damages in the First District Court against Isaac Boyland, alleging that he was refused admission to a motion picture theatre owned by the defendant on account of his color.

Boyland conducts the Astoria Theatre at 29 Frelinghuysen avenue. On the night of August 21 last Sims, accompanied by his wife, went to the ticket office of the Astoria and was refused admission.

Fred G. Stickel, Jr., counsel for Sims, has served a summons on Boyland. Stickel said that he would bring suit under the act of 1884, which provides

for the protection of all citizens in their civil and legal rights.

CIVIL RIGHTS ACT OF 1875 IN-
VALID. 6-21-13

The Supreme Court of the United States this week held that the Civil Rights Act of 1875 is not applicable to interstate steamship commerce. A colored woman riding from Boston to Norfolk was served second class by a transportation company after paying for first class fare. She sued the company for damages.

The court's decision was unanimous. It was rendered in a case wherein the court ruled that interstate steamship companies are not liable in damages for compelling Negroes holding first class tickets on their steamers to accept second class accommodations.

The case is similar to the Berea school case of Kentucky. The Supreme Court was compelled to acknowledge that there was such a thing as color prejudice, "race antagonism," to use the words of the court. In the present case the court would not say in so many words that the racial situation was not controllable; the inference, however, is apparent enough.

The judges were left no choice but to rule as they did, owing to the relentlessly hard and fast custom that is so well known to all colored or white. It stands to reason that had the case of this colored woman been merely an incident, with no after result, she would have won her suit. We, any of us, are as well prepared to announce the result of a decision in her favor as the judges themselves. It would have meant an assault, but useless, on all of the hotels, theaters, railroads and steamships. The assault would have been in the courts only, as it is here in Indiana, where a similar act is without respect.

We are no more in for decisions that do not decide than the judges of the Supreme Court. Therefore, we see nothing unrighteous in the decision when measured by the day in which we live. Courts, steamships and the rest of them are the reflex of the people. Decision that means something, decision that sticks will be that which will meet general concurrence.

The race while being cut off from the extreme offering of civilization, has not much complaint beyond that score. The most to be expected of the judges of the Supreme Court or whatever court is to beat back the tendency towards the defeat of citizenship. The question of steamships and so forth is more or less social and will be settled only in the hearts of the people. The courts are the people as well as the steamships are the people—they are the same.

AL MAN

LOSES HIS CASE

Appellate Division of Supreme Court Decides Against H. A. Levy

CAN'T DRAW COLOR LINE

Higher Court Upholds Law Which Provides That There Shall be No Color Discrimination

CAN SIT ON FIRST FLOOR

Decision of Court of Special Sessions Affirmed—Louis F. Baldwin Brought Suit Against Manager of Lyric Theatre.

The Appellate Division of the Supreme Court last Friday held that Harry A. Levy, manager of the Lyric Theatre, was guilty of violating Section 514 of the Penal Law of the State of New York, which makes it a

crime to exclude citizens from public places on account of color. On November 2, 1911, Levy was fined \$50 for excluding Louis F. Baldwin

SPRINGFIELD (ILL.) NEWS
The Fight Against The Negro Mail Clerks.
There seems to be an unusual activity on the part of the white mail clerks through-out the south against Negro mail clerks. The feeling at present is manifesting itself in the form of a petition to the Post Master General, requesting him to put all Negro clerks on lines to themselves, and not to allow any Negro clerk to be in the same car with a white clerk.

Special to THE FREEMAN.

The colored people have been wrought up very much for some time because there are several bills before the Legislature, in the opinion of the colored people, inimical to their rights. Some of the bills are unreasonable and all are unjust and uncalled for. Illinois will be set back fifty years if these bills are passed. Among those of note present here to fight this legislation were: Mrs. Ida Wells-Barnett, Hon. Richard T. Greener, George W. Ellis, Dr. A. H. Kinnibrew, Rev. P. C. Cooper, Mrs. Eva Jenifer, Mrs. Eva Monroe, Prof. C. C. Wilson and others. Two colored men are running for assistant supervisor, Lawyer C. S. Gibbs on the Republican ticket and Mr. H. K. Wilson, a business man, on the Progressive ticket. The colored people are doing very good here in the establishing of business enterprises. A coal mine is being successfully operated by colored men at Mt. Pulaski, Ill.; an insurance company is being successfully operated by colored men; a bank has been operating here for about three years; a moving picture show, a Homestead Association, three or four lawyers, a good many groceries, three colored newspapers, a first-class tinner and a number of small businesses, all with a chance of success. The colored people can do well here and other places by economizing and continually hammering on the iron while it is hot. We take issue with an article appearing recently in the New York Age, painting this city very dark. We have not got as good a town as we would like, but we get along as well as the average town with as large and as cosmopolitan a population as we have. These bills are iniquitous, but the citizens of Springfield are not to blame for them. They are not fathered by any representatives from this city or this county. We have good men from here on whom we can rely to fight these bills and all bad legislation. A permanent organization has been perfected to combat inimical legislation in this state. There were all kinds and classes of colored people down here last week to fight the "Jim Crow" and other anti-Negro bills.

E. L. ROGERS.

ELKS LOSE IN OHIO

Permanent Injunction Issued by Judge at Dayton Restraining Improved Benevolent and Protective Order of Elks of the World from Using Name "Elks."

Special to THE NEW YORK AGE.

DAYTON, Ohio, July 1.—Judge A. C. Risinger, of Eaton, Ohio, in the Common Pleas Court to-day rendered a decision in the case of the white Elks against the Negro Elks, granting a perpetual injunction order, restraining the Improved Benevolent and Protective Order of Elks of the World from making further use of the name "Elks" or any of the designated or emblematic possessions of the white Elks.

The white Elks made application for this injunction last August and the decision has been pending since the hearing of the case in Dayton early this year.

The Negro Elks will lose no time in appealing the case, and it is hoped to eventually win the right to use the title of "Elks" as has been done in cases of other Negro secret orders where attempt was made to restrain the use of distinguishing titles, insignias, etc.

The Fight Against The Negro Mail Clerks.

There seems to be an unusual activity on the part of the white mail clerks through-out the south against Negro mail clerks. The feeling at present is manifesting itself in the form of a petition to the Post Master General, requesting him to put all Negro clerks on lines to themselves, and not to allow any Negro clerk to be in the same car with a white clerk.

The introduction of this "Jim Crow" system into the United States Postal Service will work an inestimable hardship on the colored clerks in the service. The question which most naturally arises here is, to what extent will the present administration encourage such a spirit. If the Negro Democrats have any influence at all, with the present administration, it is up to them to use that influence and insist that the civil service regulations be observed. If it is strictly adhered to, such discrimination will not be possible. Such a suggestion is absurd to begin with. It is interesting to note the persistency with which this southern sentiment is endeavoring to purge the whole government, and to vitiate every section of the country, and every branch of the government with bitterness against the Negro. What next?

NEGROES OF DISTRICT SET UP A PROTEST
Discrimination Claimed

Washington, D. C., Sept. 2.—Negroes of the District of Columbia to-day mailed to members of Congress a protest against proposed legislation affecting their race. The protest was in the form of a resolution adopted at yesterday's annual emancipation celebration. Preceding its adoption speakers declared their race was dis-

criminated and that certain Southern representatives in Congress did not represent the "Southern gentleman class." The resolution reads: "We protest against the outrageous insult offered the race by a set of men in Congress who do not represent the Southern gentlemen class, and call upon the representatives who represent the gentlemen to use every effort to surpress those men who misrepresent the American sentiment."

Dr. S. P. W. Drew, president of the Henderson National Memorial League of America, draw the resolution. Among the speakers who encouraged the negroes' protest were Senators Clapp and Jones.

Fights Between Whites and Negroes Barred
by N. Y. Commission

NEW YORK, Feb. 5.—A new rule prohibiting bouts between white persons and negroes, otherwise known as "mixed bouts" was adopted today by the New York Athletic Commission, which controls boxing in this State. The commission also exonerated officials of the Washington Athletic Club of Brooklyn from blame for the accidental death of "Chick" Rose, a pugilist, after a bout there two weeks ago.

NEGROES BARRED FROM SWIMMING IN PUBLIC POOL—BEAUTIFUL OPERETTA.
(By Walter S. Fearance.)
(2922 Laclede Avenue; Belmont 254.)

A Jim Crow order has been issued by the park commissioner of this city barring Negroes from the swimming pool and the tennis courts that have been opened by the city in the public parks. Much feeling has resulted from this order and the Negroes are determined to fight the matter to the bitter end, and if necessary take the matter to the courts for a final settlement. A brilliant reception was tendered Mrs. N. Cooper, of Chicago, by Mrs. A. M. Pope Turnbo, of Poro College fame. The reception was attended by over four hundred people. In fact, it was one of the most brilliant affairs that was ever held in the city. Music was furnished by Flowers' famous orchestra. The famous Tea Cup has opened a regular tea garden on its spacious lawn that is simply superb. This delightful place cannot be beaten for its accommodation and service. The Y. W. C. A. has opened two tennis courts in different parts of the city to provide the young people with the accommodations that are denied them by the city park commissioner. The beautiful operetta, "The Fete in Flower Land," was presented by the junior department of the Y. W. C. A., with great success under the skilful direction of Miss Bertha P. Williams. The cast consisted of ninety children who impersonated the flowers of early spring. Misses Bradford, Mary Wallace and Bertha P. Williams gave an outing last Sunday to the Chain of Rocks. Those invited were Messrs. Ogden, Bradford and William H. Dobbs. When you have news or want news, call on Fearance Bont. 254. Dr. Ferdinand Barnett, of Wichita, Kan., was in town for a few days on business. The lawn fete given by the Tennessee social club on Finney avenue was a success, both financially and socially.

DEFEAT BILL IN OHIO.
Pernicious Separate Marriage Measure Killed on its Third and Last Reading—Many Members of Assembly Change Opinions, Due to Effective Work by Negroes and White Friends.

Special to THE NEW YORK AGE.

COLUMBUS, O., April 15.—After a tedious fight of many weeks, Ohio Negroes, with the help of their women and white friends in and out of the Legislature, have killed the pernicious separate marriage bill. The Cleveland delegates, Hon. Harry C. Smith of the Cleveland Gazette, Dr. C. Bailey Theodore, B. Green, Esq., Mesdames Blanche Gilmore, Bessie Kitzmiller and Mrs. Mollie C. Green, all members of the race, led in the fight, being directed by the first named, father of Ohio's civil rights law, and Ohio's anti-lynching law, Mr. Smith having been thrice a member of the Ohio Legislature.

These delegates came here and spent days at the doors of the House of Representatives interviewing and working with the members of the State Assembly who had favored the obnoxious bill. The result was its defeat last Thursday by a vote of 66 to 32. On its second reading it received a vote of 63 for to 3 against. Sixty-one votes only are necessary to pass a bill on its third and last reading. A great change of vote.

Ohio is now the sixth State to kill such a bill, the others being Iowa, Kansas, New Jersey, Michigan and Pennsylvania.

ST. LOUIS NEGROES ANGRY

On December 27 a free festival concert was given by the St. Louis Choral Symphony Orchestra at the Coliseum St. Louis, under the auspices of the Business Men's League. The advertising read that no distinction would be made, and that the rich and poor would be treated alike.

Colored music-lovers who attended the concert were insulted by being told "that the entrance for colored people was at Jefferson avenue and Locust street. Many refused to be 'Jim Crowed' and did not patronize the musical where no distinction was to be made."

It was noticeable that when the orchestra played the "Star Spangled Banner" the 150 colored citizens who had been openly humiliated sat in silence. The words "O'er land of the free and home of the brave" meant nothing to them, and nothing was more paradoxical than to witness white people singing with fervor about this "great land of liberty and justice."

But what are the representative Negroes of St. Louis going to do about this insult? Will they go about and tell each other, with a troubled look that the incident was "too bad" or will they manfully assert themselves and show the promoters of the concert that they deeply resent any attempt to insult the Negro citizens of St. Louis by adopting a policy that has evidently been patterned after the segregation order now in force at Washington?

BIG FIGHT ON IN BAR ASSOCIATION
N.Y. Age 4-24-13
Moorfield Storey and Prominent White Lawyers Demand Repeal of Measure Introduced at Milwaukee Discriminating Against Negro.

Boston, Mass., April 22.—Moorfield Storey's admirable circular of protest against the position taken by the American Bar Association on the question of membership for Negro lawyers is signed by a majority of the local council for Massachusetts. The men who heartily concur in Mr. Storey's proposed campaign for the repeal of the obnoxious resolution adopted at Milwaukee, last August, include William W. McClench, T. Hovey Gage, Lee M. Friedman, Charles R. Cummings, Richard W. Hale, Samuel J. Elder, Frederick P. Fish, Dana Malone, James M. Swift, George V. Levrett, Henry A. Wyman, George L. Roberts, William F. Wharton, Chas. E. Ware, Joseph H. Beale, Alonzo R. Weed, James Mott Hallowell, Hugh Bancroft, Frederick P. Cabot, Harvey H. Baker, David A. Ellis, Arthur D. Hill and Malcolm Donald.

Mr. Storey closes his protest with advice worthy of sympathetic consideration by all the lawyers in the country who, being members, agree with him concerning the effort of the bar association to exclude Negroes. "Intending as I do," he says, "to labor while I can for the repeal of the resolution. I advise every member of the colored race, and every member of the association who shares my views to retain his membership and to continue the contest for equal rights." The Negro members will not resign, and a contest in their behalf will be vigorously made under Mr. Storey's leadership.

WANTS STRONGER CIVIL RIGHTS BILL

Special to THE NEW YORK AGE.

HARRISBURG, Pa., May 21.—State Senator Snyder has introduced a bill in the Legislature to strengthen the civil rights law of Pennsylvania. The bill prohibits discriminations on account of race or creed in any place of public resort or accommodation. It also prevents publication of the fact that a place does not desire Negro trade.

The Philadelphia Conference of the A. M. E. Church, at its 97th annual session, which ended at Wilmington, Del., Monday, adopted a resolution offered by the Rev. M. W. Thornton, approving the purposes of the bill and pledging support in trying to secure its passage.

5-22-13

Discriminations - 1913

Full Text of Measure.

The bill reads in full as follows:

An act to amend chapter fourteen of the laws of nineteen hundred and nine, entitled "An act relating to civil rights, constituting chapter six of the consolidated laws."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of chapter fourteen of the laws of nineteen hundred and nine, entitled "An act relating to civil rights, constituting chapter six of the consolidated laws," is hereby amended to read as follows.

§ 40. Equal rights in places of public accommodation, resort or amusement. All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating-houses, bathhouses, barber shops, theatres, music halls, public conveyances on land and water, and all other places of public accommodation or amusement, any place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any such place, shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages or privileges thereof, nor directly or indirectly publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, or make any oral announcement, communication or declaration, to the effect that any of the accommodations, advantages and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed or color, or that the patronage or custom thereat, of any person belonging to or purporting to be of any particular race, creed or color is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, or proof of any such oral announcement, communication or declaration made by an agent or employee of any such person, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort or amusement within the meaning of this article, shall be deemed to include any inn, tavern or hotel, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking

health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barber shop, theatre and music hall.

§ 2. Section forty-one of said act is hereby amended to read as follows:

Big Penalty Provided.

§ 41. Penalty for violation. Any person who shall violate any of the provisions of the foregoing section by denying to any citizens, except for reasons applicable alike to all citizens of every race, creed or color, and regardless of race, creed or color, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial or who shall aid or incite the violation of any of said provisions shall for every such offense forfeit and pay a sum not less than one hundred dollars nor more than five hundred dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed; shall for each and every violation thereof be liable to a penalty of five hundred dollars, to be recovered by the person aggrieved thereby, or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside; and shall also for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment; shall be punishable by fine of not less than two hundred and fifty dollars or more than one thousand dollars, or by imprisonment of not less than thirty days or more than six months, or by both such fine and imprisonment.

§ 3. This act shall take effect immediately.

PREJUDICE IN HARRISBURG.

HARRISBURG, PA., Feb. 18.—As a result of the refusal of the management of a place of amusement in this city to sell him a seat elsewhere than in the gallery, Frank Robinson has entered suit against the company to have the restrictions removed.

A number of the amusement houses of this city have placed signs at their entrances and in other places where passers-by may see them to the effect that colored patrons will be assigned seats in the gallery only. This is only an index to the conditions in this city which have been steadily growing intolerable.

Age 2-20-13

3rd New York Age 10-2-13

DECIDES THE CHINESE

CAN ATTEND SCHOOL
Special to THE NEW YORK AGE.

COVINGTON, Ky., Sept. 30.—The state and local officials have made themselves ridiculous by ruling that Chinese are not colored. Therefore, Ponk Dock, aged 14, who has been the subject of a big controversy relative to whether he should attend the white or colored schools, will be permitted to continue his studies in the First District School.

An inconsistent phase of the controversy is that at the colored school there are a score of children who are fairer than the Chinese boy, and who are more white than he. In the South the question as to who is white and who is colored is a very delicate question, and will become more so in the future. The people can't side-step this important issue much longer.

When the Chinese boy started to school at the commencement of the present term efforts were made to compel the Covington school authorities to remove him to the colored school. Supt. Sluss put the proposition up to State Supt. Hamlett, who passed the matter over to the Attorney General's office.

Assistant Attorney General Logan decided that Supt. Sluss was the proper authority to pass on the subject.

The law provides for schools for white and colored people, but it was the opinion of the authorities at Frankfort that the Chinese are not "colored" and that consequently Ponk Dock should be allowed to continue his studies in the public schools for white children.

BILL PASSES ASSEMBLY

Age 3-13-13
Civil Rights Measure Introduced by Assemblyman Levy Designed to Give All Equal Accommodations, Favorably Considered by Lower House.

ALBANY, N. Y., March 12.—The Levy Bill, providing against discrimination in public places on account of race, creed or color was passed by the Assembly Monday evening. The Senate will now act on the measure.

The bill provides that no person being the owner, lessee, proprietor, manager, superintendent, agent or employee of a place of public accommodation shall directly or indirectly refuse anyone accommodations, and that if found guilty shall be liable to a penalty of \$500, to be recovered by the aggrieved person or shall be fined not less than \$250 or no more than \$1,000, or be sentenced to jail for not less than thirty days or no more than six months.

Heretofore the proprietors of public places who have been made defendants in damage suits in which color or religious discrimination was charged have often put the blame on employees. The bill will be so amended as to make either the proprietor or employee liable.

President Wilson doubtless is finding out that there are many more little questions to be answered and problems to be solved in connection with his office than he imagined before he was elected. For example drawing the color line among department employees in Washington has caused the National Association for the Advancement of Colored People to write the President a letter protesting against the segregation of negro employees and contending that it is race discrimination. But isn't it as fair for one race as for the other? The white employees are segregated, too. So far as is known the fact that negro employees are being given sections of buildings to themselves hasn't caused them to resign their places and it isn't expected that they will resort to a walkout to show any dissatisfaction they may feel over the new arrangement.

The Race Conference

The date for the Race Conference has not yet been fixed but it will be some time the last of January or early in February. We hope to have a greater crowd than ever at this important meeting. Some of the best speakers in the country are planning to attend the meeting this year and we hope that the colored citizens all over the State will plan to come. Columbia is a "convention city." It is the greatest city in South Carolina for meetings of this kind. It is a city of schools and colleges. It is a growing, progressive city. Get ready for the Race Conference.

DON'T WANT NEGRO MEMBER.

Special to THE NEW YORK AGE. 1-23-13
ATLANTIC CITY, N. J., Jan. 22.—The Atlantic City Board of Education held a meeting last week and unanimously voted not to recognize Dr. James F. Bourne, a colored druggist, as a member of the board. Dr. Bourne attended the meeting, accompanied by his lawyer, John J. Crandall. Dr. Bourne was appointed a member of the Board of Education of this city last fall by Mayor Bacharach a few days before retiring. The white members strenuously object to serving on the board with a colored member, and have passed resolutions to reduce the board to the original seven.

4th New York Age 10-2-13

NEWPORT Y. M. C. A.

DRAWS THE COLOR LINE
Special to THE NEW YORK AGE.

NEWPORT, R. I., Oct. 7.—Much feeling is being shown here over a rule which has just gone into effect at the Vanderbilt Young Men's Christian Association barring Negroes from membership. The Young Men's Christian Association Building was financed a few years ago by Mr. Alfred G. Vanderbilt, in memory of his father, and is one of the hand-somest in the city.

Marcus Wheatland, son of Dr. M. F. Wheatland, has been denied a renewal of his membership. Another member, Andrew Jackson, has been refunded his membership dues and asked to resign. Both families are members of the Shiloh Baptist Church here, and their pastor, the Rev. H. N. Jeter, has interested himself in the case to the extent of making a formal protest to the president.

This is another evidence of what Christianity means in the United States.

U. S. SUPREME

COURT DILEMMA

To Decide Right of Cemetery to Bar Colored Citizens.

Washington, D. C., Oct. 24.—Among the 700 cases on docket before the supreme court for the October term is the plaintiff against the Forest Home Cemetery Company of Chicago, Ill. The lower court decided against the plaintiff, and the supreme court must decide whether the Forest Home Cemetery Company of Chicago shall be required to sell a burial lot to John B. Gaskill, a colored man. The body of Gaskill's wife, who died in March, 1912, still reposes in a temporary receiving vault. Four of Gaskill's children are buried in the Forest Home cemetery. Before his wife died, however, a ruling against colored persons was made by the management for business reasons.

Age 4-19-13
Word comes that the Senate of Colorado has defeated the bill which proposed the enactment of a constitutional amendment providing for separate schools for colored and white people. The Omaha Enterprise regards this victory for righteousness like the jim crow car bill in Missouri, as a tribute to the good sense which the Democratic majority is showing under their present lease of power. Jim crow is getting a killing in nearly all of the states which have attempted to tamper with the natural distribution of society. The people can be trusted to get along with one another according to their individual like and dislikes, which, after all, is the logical pathway toward true democracy.

JUDGMENT IN 3-22-13

Age THEATRE CASE

The owners of the 86th Street Theatre will have to pay \$100 to B. G. Hull for violating statutes which provide that there shall be no discrimination in public places on account of color. The decision was rendered by Judge Marks in the Municipal Court Tuesday.

Hull sued for \$500 damages, stating that on the evening of December 14 he and two lady friends were denied admission to the first floor of the 86th Street Theatre.

CIVIL RIGHTS BILL

Memphis Sun 4-

(Special to the Sun.)

New York, April 21.—The State of New York has a new civil rights bill, perhaps the best that has been adopted by any state legislature since the war. The bill was drawn and introduced in the assembly by Assemblyman Levy, of a Jewish district in New York City, and was introduced primarily to protect Jews, who have been discriminated against by theaters and hotels all over New York City. *4-25-13.*

The bill, however, is general in character, and Assemblyman Levy said he had in mind the protection of colored men when he drew the measure. There is, of course, general rejoicing among both Jews and colored people over the passage of the bill. Gov. Sulzer announced that he had great pleasure in signing the measure. The staunch friends of colored people worked for the bill both in and out of the legislature.

SUES FOR THEATRE RIGHTS

"House Full" Said Movie Manager,
But Newark Man Asserts That
Was a Subterfuge.

The exclusion of a Newark colored man and his wife and children from a moving picture show on the ground that the theatre was full when, they say, the money of white persons was being accepted and they were passing into the show, is to be made the basis of a fresh appeal to the higher courts of New Jersey for a more comprehensive interpretation of the Civil Rights act passed by the State Legislature in 1885.

Former Assemblyman Fred G. Stickle, Jr., as counsel for Andrew Sims, Jr., took steps Saturday to appeal a judgment given by Judge MacMahon in the First District Court of Newark in Sims' suit to recover \$500 from Isaac Boyland, owner of a picture theatre at Frelinghuysen avenue and Emmett street.

On the admission of Sims that Boyland gave the "full house" reason for excluding him, the court ruled against the colored man, regardless of what might have been the actual number of persons present. Mr. Stickle intends to learn, he says, whether the Civil Rights law may be evaded by such a subterfuge.

THE INTERMARRIAGE BILL.

Chicago, Ill., The Fellowship Herald.

"Five states have killed the so-called Intermarriage Bill, viz., Kansas, Iowa, Michigan, New Jersey and Pennsylvania. On the 10th of April the House of Representatives of Ohio, killed it by a vote of 62 to 33, thus completing the half dozen States." Will Illinois alone stultify itself by the passage of this class legislation, this bastard, bred of prejudice and ignorance? Mercy, no! It can't afford as the State of Lovejoy, Lincoln and Ingersoll, to yield to the clamor of what the leader of the Socialists in Illinois calls tersely "the flap doodle of race prejudice embraced only by the unthinking and the sensation-alist." (Seymour Stedman in reply to the writers appeal to stand out against this injustice and folly.)

JACOB EGBERTH.

NO WHITE TEACHERS

FOR FLORIDA NEGROES

Tallahassee, Fla., Oct. 7.—The State Legislature recently passed a bill, which has become law, prohibiting any white person from teaching in a Negro school or a Negro teaching in a white school, fixing as a penalty for violation of this law a fine now exceeding \$500, or one year in the county jail.

NEBRASKA IN DISGRACE.

Special to THE NEW YORK AGE. *4-27-13*

Lincoln, Neb., April 15.—Governor Moorehead approved Saturday night the bill passed by the Legislature which prohibits the marriage of a white and any person who has an eighth or more of Japanese, Chinese, or Negro blood. The bill originally included Indians, but that was stricken out.

SEEK TO EVADE NEW LEVY LAW

Some Proprietors Plan to
Ignore Civil Rights Act

by Trickery
The N. Y. Age
ASK EXORBITANT PRICES
9-11-13

in Saloons and at a
Number of Soda Fountains
Colored Patrons Are Excess-
ively Charged.

REFUSED AT RESTAURANT

Colored Couple Waits at Jack's Restau-
rant Two Hours—Management Goes
Through Form of Discharging Three
Waiters.

It has already developed that the pro-
prietors and managers of some of the
places of public accommodation in New
York intend to resort to subterfuge in
order to keep from complying with the
new Civil Rights Law which went into
effect September 1, providing that no
person should be denied accommodation
in New York State because of creed or
color.

While several restaurants, saloons and
other public places have ceased to draw
the color line, there are some where dis-
criminations are going on just the same
—only the violators of the Levy Law
seek to evade the new Civil Rights Act
by trickery.

In some saloons and at a number of
soda water fountains an effort is made
to discourage the prospective colored
customers by raising the prices.

Sat for Two Hours in Restaurant.

At Jack's restaurant, which is one of
the principal eating places in New York,
the management went through the form
of discharging three waiters because they
refused to wait on a colored man and

his lady friend a few evenings ago.
One of the daily papers, in reporting
the incident, gave the following account:
Trying to take advantage of the new
Civil Rights law, which went into effect
September 1, a well dressed Negro
couple tried for two hours early yes-
terday to be served with food in Jack's
Restaurant, Forty-third street and
Sixth avenue. Three waiters were dis-
charged when they refused to wait
upon them.

Jack's has an all-night license. About
1 A. M. the Negro, who was very dark,
accompanied by a woman of lighter
complexion, entered the place and took
a table in the North room. No other
patrons were seated at the table.
Neither employees nor patrons paid
attention to the pair. Although the
place became almost overcrowded later
nobody sat down beside the Negroes.

The Negro beckoned to waiters sev-
eral times, but they ignored his re-
quests to be served until he became
so impatient an hour after his en-
trance he pounded on the table for
several minutes. Finally one of the
waiters, seemingly annoyed by the
man's pounding, came over and asked,
"What do you want?"

"I want you to wait on us," answered
the Negro, taking up a bill of fare.
"No use reading that menu," said
the waiter. "I won't serve you." And
he walked away.

Half an hour later the Negro's con-
tinued poundings attracted a second
waiter. He, too, refused to serve him,
saying, "I won't wait on a Negro, so
quit pounding."

Summoning the head waiter the
Negro explained he had been there an
hour and a half and two waiters had
refused to take his order. The head
waiter immediately called the first
employee and discharged him when
he persisted in his refusal to serve
the man. When the second waiter
was given similar orders by the head
waiter and refused he, too, was dis-
charged.

A third waiter was asked to wait on
the pair, but the result was the same.
All three loudly denounced the couple
and urged others not to remain in the
place while they were present.

The pair sat at the table until 3
o'clock. Finally, convinced they would
not be waited on, they left the res-
taurant. The man said he was a
physician from Washington.

Investigation by an AGE representative
disclosed the fact that the three waiters
reported by the daily papers as having
been discharged were at work the next
day.

The N. Y. Age
**GIVEN SEAT ON
SCHOOL BOARD**

Dr. James F. Bourne Wins a
Long, Hard-Fought Fight

at Atlantic City

MEMBERS MANDAMUSED

Supreme Court of New Jersey Is-
sues Writ Directing White Mem-
bers to Recognize Negro

LEGAL STANDING ESTABLISHED

Board of Education Has Been Seeking
to Keep Dr. Bourne Out Since Last
July. 2-27-13.

Special to THE NEW YORK AGE 227.

ATLANTIC CITY, N. J., Feb. 26.—The
Supreme Court, sitting at Trenton, N. J.
has upheld former Mayor Harry Bacha-
rach's appointment of Dr. James F.
Bourne as a member of the Atlantic City
Board of Education. The bitter fight
over Dr. Bourne's appointment, which
started last July, came to an end last
week when the Supreme Court, acting
upon the application for a writ of man-
damus brought by Dr. Bourne, ordered
the Board of Education of Atlantic City
to permit the colored member to take
his seat.

The order of the Supreme Court
which was a big victory for Dr. Bourne
and the colored citizens of Atlantic City
decides a controversy involving the right
of former Mayor Bacharach to appoint
Dr. Bourne a member of the Board of
Education. Dr. Bourne was appointed
by Mayor Bacharach on July 16 at 11
o'clock, shortly before the Commission
Government became operative. Mayor
Bacharach retired at noon.

The other members of the board ob-
jected to Dr. Bourne solely on account
of his color. As the colored citizens of
Atlantic City are aggressive and fight
for their rights, it was decided to take
every legal step to thwart the plans of
the white members on the board.

Last July after Dr. Bourne had re-
ceived his appointment he attended a
meeting of the board, but was refused
a seat on the ground that the appoint-
ment was illegal. The matter was then
taken to the Commissioner of Education
for settlement. At a hearing Assistant
J. D. Betts heard all arguments and a
few days later rendered a decision de-
claring that Dr. Bourne was entitled to
his seat.

Not being satisfied with the decision
of Assistant Commissioner Betts, the
members took an appeal from his ruling
to the New Jersey Board of Education
which also decided in Dr. Bourne's
favor.

When the Atlantic City Board of Edu-
cation met Friday, January 17, the mem-
bers again refused to seat Dr. Bourne
who then instituted mandamus proceed-
ings to compel the board to seat him a

once. Counselor Isaac H. Nutter and
ex-Judge J. J. Crandall represented Dr.
Bourne and admirably handled his case
throughout. It is said that quite a sum
was spent in resisting the efforts of the
white members to keep Dr. Bourne from
taking his seat.

Dr. Bourne conducts a drug store at
1801 Arctic avenue.

ORGANIZING IN LOUISVILLE

Opposition of the colored citizens of
Louisville to the segregation of colored
playgoers at the National and Mary An-
derson theatres seems to be more than
a flash in the pan. Colored organiza-
tions have become interested in the
movement to persuade members of the
race to keep away from the "Jim Crow"
theatres.

Slides provided by the Citizens' Com-
mittee are being run at the Olio and
Ruby theatres which read:

"Have you race pride? If so, show it
by patronizing the Ruby and Olio thea-
tres instead of sneaking through the
alley to the roost of the Mary Anderson
and National theatres. Why pay to be
separated?"

Last week one public school teacher
was caught coming out of the alley of
the Mary Anderson Theatre. She is be-
ing soundly scored by both press and
public. 12-11-13

The Cane Club has made the follow-
ing protest:

"When we turn from the man to the
race, and pause to think, what a great
barrier to the progress of the Negro,
is race prejudice, the harm done is so
great, as to excite our gravest appre-
hensions and to demand our wisest and
most resolute actions.

"It is then that we are called upon,
as one and as a race, to devise some
means, by which, we may solve the
simple problems of race segregation,
discrimination in all its various forms,
such as non compensated efficiency and
unjust accommodations, that dulls the
edge of our ambitions, behind whose
ramparts lies intrenched our pride the
soul of all our higher ideals, which,
like a wounded hart lies bleeding. The
problems are made complex by the lack
of unity among us, and the utter dis-
regard of self-pride of the masses, who
seem not to be cognizant of the urgent
necessity of pulling tenaciously as one
together, protest and rebel against all
things and laws, which tend to show
that we are an inferior race.

"Why do we stand here idle? Why
longer deliberate? Already the enemy
is in the field. Is not race segregation
spreading and at the very moment is
clamoring for admission into the State
of Kentucky, famed for its hospitality,
into the City of Louisville, styled the
'Gateway of the South'.

"Some years ago the Mary Anderson
Theatre was built, around the alley we
were shown to the gallery our only
accommodation, such a feeble protest
was given the place, the conditions to
this day remain the same, this year
the National Theatre was built, with
greater humiliations to offer us, a
separate ticket office and entrance
which leads to the gallery, our only
accommodation.

"And now in view of the aforesaid
facts it urgently behooves us as a race,
if indeed we are to hope for the long-
evity of life, of our progress and
other freedoms which we now enjoy,

DRAW THE COLOR LINE ON BOATS

The N. Y. Age
9-11-13
Baltimore, Chesapeake and
Atlantic Said to be Most
Flagrant Offenders

RULES INCONGRUOUS

White Passengers at Liberty to
Fill Section Reserved for
Colored, but Negroes Must Be
"Jim Crowed"

MINISTER HAS EXPERIENCE

Rev. Sylvester H. Norwood Compelled to
Sit in "Colored Section" Which Was
Crowded with White Passengers.

Special to THE NEW YORK AGE.

BALTIMORE, Md., Sept. 10.—Self-re-
specting Negroes who travel on steamers
sailing from Washington and Baltimore
continue to protest against the whole-
sale discriminations to which they are
being subjected. It is charged that
conditions are unbearable in particular
on the boats run by the Baltimore,
Chesapeake and Atlantic Railway.

A movement is on foot to secure bet-
ter accommodations on these boats, and
it is the consensus of opinion that if the
proper effort is put forth and the money
being raised to further the plan is
judiciously used, the result will be high-
ly satisfactory to those of the race who
are opposed to "Jim Crowism."

On the boats of the Baltimore, Ches-
apeake and Atlantic Railway the incon-
sistency of race prejudice is as appar-
ent as elsewhere when an attempt is
made to draw the color line in places
of public accommodation. Colored
nurses, cooks and waiters are permitted
to mingle with the whites and no ob-
jection is raised, but the "social equal-
ity bugaboo" is put forward when a Ne-
gro passenger has paid as much for his
passage as a white person and seeks ac-
commodation—not "social equality."

How a well known colored resident of

Washington recently boarded a boat hungry and was compelled to wait three hours before he was given something to eat by the colored waiters, and then to be taken behind a screen to a dirty table where the dishes were being washed, is going the rounds. However, the Rev. Sylvester H. Norwood, pastor of the St. Paul M. E. Church of this city, had a more recent experience. In this case the white passengers, as it frequently happens, took complete possession of the section "reserved" for the colored passenger, but he was not permitted to roam on what was designated "for whites only."

The Rev. Dr. Bragg related his experience to an AGE representative, giving the following narrative:

"On Thursday, August 28, I left Baltimore on the steamer Cambridge for Easton. In the passengers' saloon were two signs: "This section for colored passengers" and "This section for white passengers." I thought as these signs were confined to the saloon space that the deck space where sightseers are permitted to enjoy the breezes best was free to all.

"On my trip to Easton I acted on that inference and started to do the same on my homeward trip. But I was reminded by an officer of the boat that there was in the colored section a seat for me; that I had transgressed on my downward trip, although I had not been disturbed.

"I informed the officer that on my outward trip the section provided for colored passengers had been occupied by whites and that a similar condition existed at the time.

"The officer volunteered to find me a seat with the white passengers in the 'colored section,' remarking that one seat would be enough for me. The seat was secured, although the section was crowded with white passengers and there was an abundance of room for all both within the saloon and on the outer decks. But as the white passengers were not compelled to recognize the sign 'This section for colored passengers,' they crowded me to suffocation in the 'colored section,' filling the stationary chairs and adding to my discomfort by crowding around me with smaller chairs. In the 'colored section' the whites did not refuse to mingle with colored passengers, you take notice.

"I found it necessary to leave my seat for five minutes, and upon my return found that it had been taken.

UPHOLDING RACE PURITY.

The House of Representatives has just passed a bill 92 to 12, designed to prohibit the intermarriage in the District of Columbia of whites and persons of the Ethiopian, Malay or Mongolian races. The measure was introduced by Representative Hardwick of Georgia in April, 1911, and as originally framed provided only against intermarriages with Chinese and negroes. The District committee reported the bill a week ago with an amendment to include the Malay, or brown race, in its prohibitory clause. The aim of the bill is mainly to forbid intermarriages of white and negroes, but it will affect as well Chinese and Japanese.

This legislation was doubtless precipitated by the Nation-wide discussion a few months ago of the episodes of the pugilist, Jack Johnson, who has had two white wives. The discussions of that negro's indecent conduct, and of the depravity of a white woman who would consent to such a union, demonstrated again that pride of race, the proper term for "race prejudice," exists as much in the East, North and West as in the South. A number of leading Northern Governors declared at the time that every State in the Union should pass laws forbidding such intermarriages.

This pride of race, this gulf between the blood of whites and of blacks, or yellows, is found wherever two races exist. Only a few days ago a revolting tragedy occurred in London, which resulted in a negro woman slaying the white wife of a negro man. The affair shocked London, quite as much as a similar crime would have shocked the people of any Southern or Northern city.

The Advertiser trusts that as soon as possible intermarriages of negroes and whites will be prohibited by law in every State in the Union.

INTERMARRIAGE BILL KILLED.

TOPEKA, Kan., Feb. 4.—The judiciary committee of the State Senate killed the bill to prevent the intermarriage of races last Friday. The bill had been already passed by the lower house of the Legislature, and was regarded as an entering wedge to all kinds of "Jim Crow" measures.

It was bitterly fought by leading colored residents, who enlisted the efforts of white Republicans against the bill. It was pointed out by the protestants of the bill that cases of intermarriage between white and colored persons were infrequent and that the measure was intended to humiliate the colored people.

FULL CREW BILL.

LOSES IN OKLAHOMA.
The American
4/4/13
Governor Cruce Neglects to Put His Name on it in Time for IT to Become a Law.
Wagner, Okla.

(S. W. Bureau of Publicity.)

The Negroes of Oklahoma to no credit for themselves on account of any resistance made by them, and solely due to the eminent and manly courage in doing the right thing of Gov. Lee Cruce, have gained another victory. This time it is in the matter of the adoption of the Full Crew bill. The bill passed both houses of the Oklahoma legislature, and was sent to the Governor for his signature. In accordance with the state law, a governor has a certain number of days in which he may disapprove or approve bills, and if he neglects to do either, it acts as a pocket veto. This "full crew" bill is said to be fostered and promoted by the National Brotherhood of Locomotive Engineers. Its purport is to exclude the Negro porter in the service of railways from train crews. The bill provides for a brakeman and a flagman, the latter to take the place of the Negro porter on all trains of more than three coaches. It does not affect Pullman porters. The thing that has encouraged this antagonism is, the Negro train porter has been entrusted with carrying a key to open the switches, and this is considered, as putting the Negro porter on equality with white brakeman who also carries a key. In all legislatures meeting this season, this bill has been up for discussion and passage. The legislature of New Jersey passed it and the governor signed it. It is now pending in the assembly of New York, and while it is charged by William Barnes, Jr., the republican boss, that Gov. Sulzer in aid of this bill beforehand has promised to affix his name to it, Gov. Sulzer retaliates by charging Barnes with the paternity of the bill.

INTERMARRIAGE BILL WOULD BREAK UP HOMES

Lower House of Ohio Legislature Passes Unjust Reppert Bill

MIXED FAMILIES IN PERIL

President Scarborough of Wilberforce Would be Among Those Affected if Bill Becomes a Law.

3-12-13
Special to THE NEW YORK AGE.

COLUMBUS, O., March 11.—Last Wednesday the lower house of Legislature passed the iniquitous Reppert Bill prohibiting intermarriage in this state by a vote of 63 to 33. It now goes to the Senate, and if it also passes the bill it will cause the immediate separation and breaking up of a number of families in this state in which the husband or wife is white.

It will cause President Scarborough of Wilberforce, to leave the State, as under the provisions of the bill a Negro already married and living with a white wife will have to separate or leave the state.

The bill prohibits and makes felonious "the intermarriage of white persons with Negroes, mulattoes or Chinamen, or their living together as man and wife in this state." It is practically a copy of the Georgia law, which, when put into operation, caused the breaking up and dispersion of thousands of mixed families.

Representative Terrell of Cuyahoga tried in vain to have the measure restricted so as not to interfere with existing marriages.

Calling it a "Jim Crow" matrimonial bill," Mr. Reid of Fayette said there were not over fifty-five licenses for mixed marriages issued in Ohio last year, that the effect of the bill would be merely to prevent the legalizing of children born of illicit relations of whites and blacks, and that education, not a penitentiary sentence, was the remedy for the evil of mixed marriages.

Mr. Acker of Hocking declared under the bill of rights the Legislature could not deny him the right to marry a Negro if he wanted to and that the only sensible amendment to the bill would be to include members of the Ohio Legislature with Chinamen and Negroes in the prohibited marriage category.

Negroes in the State opposed the bill, and sent delegates to argue against it, but a deaf ear was turned to their pleadings. The author of the bill ex-

hibited a letter from J. Silas Harris, a school teacher of Kansas City, Mo., favoring the passage of the bill. Harris is said to be after a job under the new administration.

A Brighter Day for the Negro.

There seems to be a brighter day come for the Negro in the city of Chicago. Ever since the emancipation celebration of the American Negro at Lincoln Center and Mrs. Cella Parker Wooley made a speech, asking white men to give employment to colored men and women, there has been awakening along this line among the wealthy citizens to take up the matter. Appropriate to this idea, the Chicago Tribune on Sunday says:

Pledges to do what is possible to eradicate

discriminations against Negro employees were made public yesterday by Edward C. Wentworth, chairman of the committee on business opportunity of the Frederick Douglass center 3032 Wabash avenue. The pledges come from various business and professional men in Chicago.

Mr. Wentworth's investigation of conditions was prompted at a recent mass meeting to celebrate the fiftieth anniversary of the emancipation proclamation. One of the speakers declared it useless to educate the young blacks of either sex unless there is better indication they will be given equal chance with whites of equal qualification. Mr. Wentworth made inquiries to see what the attitude of large employers is. He found general recognition of the fact, but hope of better things.

Opinion of Julius Rosenwald.

From Julius Rosenwald, president of Sears, Roebuck & Co., the chief contributor toward the proposed Negro Y. M. C. A., came this remark:

"I feel keenly this injustice, and have for some time past been making efforts to convince some of the head men of the company of our duty in that direction."

The advertising manager of the house said he had proposed the admission of Negro apprentices to the printing shops, and the proposal had been favorably received by the union foremen.

"The Negro professional trained nurses are the nearest practical success in overcoming the barrier you allude to," said Dr. George H. Webster. "Their welcome in many white families here and elsewhere has been a great satisfaction to those who have been instrumental in their preparation."

Negroes Employed in Bank.

"We have Negro men in our banks," said N. W. Harris, chairman of the board of the Harris Trust and Savings bank. "There have been in years past certain prejudices between the races, but I trust it is growing less, and I think the white people certainly should do what they can to advance civilization among the Negro people. On the other hand, the Negro people must do their share, and success really lies with themselves. No one else can do it for them, and if they are industrious and frugal I am sure they will succeed."

"The discrimination against Negro men is due to race prejudice, which, whatever we may think about it, does exist," said George Packard. "Its eradication has to be secured gradually."

MUST SERVE SODA WATER.

COLUMBUS, O., Feb. 4.—Holding that colored people cannot be denied the privilege of buying in public places, the Franklin County Court of Appeals last week reversed the case of Graham Deuwell against George Foerster and others for damages, in which a finding for the defendant was made by a jury in Common Pleas Court. Age 2-6-13

Mr. Deuwell is a colored attorney and George and Fred Foerster own a confectionery store at 235 South High street. Mr. Deuwell alleged that they refused to sell him a glass of soda water. He brought suit for \$500 damages. The case will be retried.

"JIM CROWING" HAS BEGUN AT WASHINGTON

Negroes Are Being Segregated in Various Government Offices

RADICAL ELEMENT VERY BUSY

Consensus of Opinion is President Will Soon Tell Radicals to Keep Quiet and Mind Their Own Business.

Special to THE NEW YORK AGE.
WASHINGTON, D. C., May 7.—Now that the Democrats are in power at Washington the radical element has begun to make itself obnoxious by snapping its fingers at the Constitution of the United States and doing everything possible to embarrass the Negro people—ten million natural born citizens who have shown the patience of Job and whose docility and forbearance have excited the admiration of thousands of friendly whites. But there is a saying that "A worm will turn," and the "turning of the worm" in this instance is not pleasant to contemplate.

President Wilson and the conservative members of his party are having a difficult time of it keeping the radical politicians and newspapers from turning things topsy-turvy at Washington. These iconoclasts of the Constitution are as insistent that their un-American ideas be put into execution as were those who sought to uphold slavery and disrupt the Union. Just as wild-eyed and inconsiderate are they as those of years ago, and many express the private opinion that kind words and common sense talk will not satisfy the unnatural cravings of these diseased minds. A violent crazy person is seldom pacified with sweet talk, and it is not likely that the radical Democrats with disordered minds will be put into subjection by a pat on the back. A blow is needed to put them in their right senses.

Segregation Agitation Bears Fruit.

The agitation for a segregation of races in the various departments at Washington has already borne fruit. In several divisions Negroes have been put to work by themselves, although the "social equality" bugaboo has been asleep for years and years and there have been no deaths or casualties on account of the two races working side by side. The Bureau of Printing and Engraving was one of the first divisions

to adopt a "Jim Crow" policy. The colored Government employees do not care a whit about being separated from the whites, but they take exception to all the rot that flows from the mouths of these demagogues about the inferiority of races. It is their belief that the whites who are compelled to work for a living are so particular, they ought to quit work and live off their incomes.

As usual, instead of organizing and planning to resist any illegal efforts to mistreat them, the Negro employees are talking. Of the hundreds of colored officeholders in Washington there is not an organization formed for their mutual protection—not two cents in a treasury. Successful hostility toward the Negro in the past has been partly due to his lack of organization. Members of the race get the blue ribbon for quarreling among themselves, but when co-operation means a successful stand against any attempt to deprive them of their rights, they are seldom aroused to action—except to talk and pass resolutions.

There is no telling how far these irresponsible will go in the matter of humiliating Negroes if they are not checked—and checked they can be if the proper steps are taken.

The consensus of opinion among Negroes here is that President Wilson will not be a party to any of the anti-Negro movements which will tend to embarrass the race.

During the administrations of McKinley, Roosevelt and Taft any movement to segregate Negroes in the various departments was stopped by the aggressive attitude of the prominent Negro Republican. Bishop Walters is expected to come to the front and remind those of their pre-election promises that there would be no Negro agitation under the Wilson administration.

NO DISCRIMINATION AFTER SEPTEMBER 1

J. H. G. 7-77-13
Attorney General Carmody Issues

Statement in Which He Announces That Places of Public Accommodation Can Not Be Closed to Citizens on Account of Race, Creed or Color—Severe Penalties Provided.

Special to THE NEW YORK AGE.

ALBANY, N. Y., July 15.—Attorney General Carmody's attention has been directed to the fact that circulars are being issued by some health resorts in which announcement is made that their

places are not open to certain races. In a statement Mr. Carmody points out that, under an amendment made to the Civil Rights law by the Legislature, such notices will be prohibited after September 1. The Attorney General's statement follows:

The Civil Rights law was amended by the last Legislature, which amendment takes effect September 1, 1913, and provides that full and equal accommodations, advantages, and privileges shall be enjoyed by all persons within the jurisdiction of the State at all public resorts, places of amusement, or of public accommodation. The amendment further provides that no person being the owner, lessee, proprietor, manager, superintendent, agent or employe of any such place shall, directly or indirectly, refuse, withhold from or deny to any person any of the accommodations, advantages or privileges thereof, or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement, to the effect that any of the accommodations, advantages and privileges of any such place shall be refused or denied to any person on account of race, creed, or color, or that the patronage or custom thereof, of any person belonging to or purporting to be of any particular race, creed, or color is unwelcome and not desired or solicited. The production of any written or printed communication, advertisement, or notice announcing any such discrimination is admissible against the proprietor, lessee, superintendent or manager as presumptive evidence of an intent to violate this law in any civil or criminal action.

The public places to which this law applies are inns, taverns, hotels, either for transient guests, or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses, public conveyances on land or water, bath houses, barber shops, theatres and music halls.

My attention is called to circulars being put out by health resorts in which it is announced that certain races are not welcome and will not be received. Such notices are plain violations of this statute on and after Sept. 1, 1913, at which time the law takes effect, and subject the proprietor, agent or superintendent to the penalty provided in this act.

The new law, the Attorney General points out, provides that any person violating its provisions shall be liable to damages of not less than \$100 nor more than \$500, to be recovered by the person aggrieved. A violation also is made a misdemeanor, and, upon conviction, a fine of not less than \$100 nor more than \$500, or imprisonment of not less than thirty nor more than ninety days, or both fine and imprisonment, may be imposed.

TAKE UP HOTEL INCIDENT

Prominent Chicago Citizens Discuss Drawing of Color Line at La Salle

Hotel—No Decision Reached as to Steps to be Taken.

Special to THE NEW YORK AGE.

Chicago, Ill., April 8.—Several prominent Chicago citizens, white and black, including Dr. Geo. C. Hall, Miss Breckenridge, Dr. Bentley and Judge Brown, held a meeting this week for the purpose of deciding what action should be taken with reference to the LaSalle Hotel which refused to serve a luncheon to the Chicago Women's Clubs on account of the presence of Mrs. Ida Wells Barnett and other colored women. The situation was gone over from every point of view. Mrs. Barnett, around whom the refusal on the part of the colored people seemed to center, did not attend the meeting, although she was especially invited. It seems Mrs. Barnett has plans of her own which she is going to put in operation against the hotel people.

After reviewing the whole situation calmly, it was decided at the meeting that it was very questionable whether a case in court would hold against the LaSalle Hotel, but a strong committee was appointed to take up the whole matter of discrimination with the LaSalle Hotel people with a view of seeing if such influence cannot be brought to bear upon the hotel to make the hotel cease discriminating in the future.

White Women Divided on Subject.

Your correspondent has sought to get the inside particulars regarding the attitude among the club women themselves, and he has discovered that the club women (white) are very much divided on the subject. Some are inclined to take the matter into the court, others are inclined to let the matter drop, and still a third contingent seems favorable to the plan of ceasing to invite colored women to attend such functions. It is feared that the majority of white club women in Chicago are not disposed to keep up the fight much longer, and that the policy of not inviting colored women to hotels where a lunch is to be served will be followed.

On Tuesday night following the women's episode at the Hotel LaSalle, the Chicago alumni of the University of Michigan held a banquet at the Hotel LaSalle. It was hoped that the colored graduates of the University of Michigan residing in Chicago would have attended, therefore bringing the matter of color discrimination squarely before the public and the hotel people, but it seems that none of the colored graduates appeared at the luncheon, although invited the same as the white graduates were.

THE NEGROES OF NEW JERSEY SHOULD GET BUSY.

The Negroes of New Jersey—the Re-

publicans, Progressives and Democrats of them, the preachers, lawyers and doctors—should get busy at once by petitions and delegations to the legislature and by personal appeal and pressure upon their Senators and Assemblymen to prevent the enactment of the proposed law making it a crime for blacks and whites to marry. The laws and the public opinion of New Jersey are sufficiently prejudiced in all matters of civil and political rights without allowing the proposed law capstoning the whole business to be enacted without a fight to prevent it. Age 2-6-13

The excuse for proposing the law, that marriages between blacks and whites have greatly increased of late, is unsupported by any statistics to prove it. And if such were true, what of it? There is nothing in the Federal Constitution or the Constitution of New Jersey to prevent such unions, and should not be. Such marriages need not be encouraged, and are not, but there should be made no law to prevent it "on account of race, color or previous condition," because marriage is a contract between the parties to it, which the State legalizes, as it does other sorts of contracts, so that the parties may be mutually protected in their interests as defined in the contract, and the preacher may or may not be asked to add the moral sanction of the church to it.

There is no excuse for separate marriage laws; they violate the right of two persons to enter into a contract entirely personal to them, and they encourage clandestine concubinage and possible bastardy. They stigmatize the black citizen as a pariah, unfit to marry the woman of his choice, and reversely if one of them be white and the other be black.

The tenth section of Article 1 of the Federal Constitution declares that "No State shall pass any law impairing the obligation of contracts." Section 1, Article 1, declares, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The same section and article declares, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Neither the Federal Government has the constitutional right, by the direct vote of the people by their representatives in the Congress, nor by their State legislatures, to deny to white and black and colored persons, citizens of the United States

and of the State in which they reside, the right to make a marriage contract, or building contract, or other contract, on account of race. That is plain enough. Those who have the rule may do it to those who have not the rule, by the law of might; mankind have been doing that ever since the Flood of Waters, but they have had to pay for the injustice, remorselessly, in the even up in blood and tears.

The N.Y. Age **REFUSE NEGROES; 4/13/13, N.Y. City. HUNDREDS LEAVE**

Luncheon Stopped at Hotel La Salle When Manager Draws Color Line

WHITE MEMBERS LOYAL

Club Women of Chicago and Neighboring Towns Go on Record Against Discrimination

BIG LAW SUIT PROBABLE

Civil Rights Laws of Chicago Provide Against Discrimination of Negroes in Public Places.

Special to THE NEW YORK AGE.

CHICAGO, Ill., April 1.—Two hundred club and society women of Chicago and nearby towns were turned out of the Hotel La Salle Saturday when the hotel management refused to seat Negro delegates with the white guests in the grand ballroom at the annual meeting and luncheon of the League of Cook County Clubs.

There is some talk of bringing suit for damages against the hotel people, as the civil rights laws in Chicago provide against discrimination in public places on account of race or color.

Manager Ernest J. Stevens of the hotel drew the color line. His ultimatum was: No Negroes or no luncheon in the Hotel La Salle. The women protested with vigor, but he was obdurate. Finally, after considerable confusion, Mrs. Chas. H. Betts entertained a motion that the body stand by the Negro delegates and leave the hotel.

The motion passed without a dissent-

ing vote. The luncheon was announced "indefinitely postponed" and the women abandoned the meeting. Many expressed indignation at their treatment at the hotel manager's hands. Manager Stevens says that it should have been known that the La Salle had an ironclad rule against Negro guests.

Lieut.-Gov. O'Hara Present.

Lieut. Gov. Barratt O'Hara was among those who came to the hotel. Mr. O'Hara was to address the women on the aims of the Illinois vice commission. Ida Wells Barnett, Negro suffragist leader, who marched in the votes-for-women pageant at Washington March 3, was one of the guests to whom the hotel management took exception.

Mrs. Betts accused Stevens of vacillation in his ruling against the colored delegates.

"We should have been notified in time if we were to have been turned out in such a fashion," said Mrs. Betts. "When it was first explained to Mr. Stevens that there would be several colored women among the delegates we were told that the La Salle did not entertain Negroes. We protested that last year when the league met at the Hotel Sherman no objection was made and Mr. Stevens consented to their presence.

"Then, at the last minute, he positively refused to give the Negro women seats. They are regularly accredited members of the league and we feel it our duty to stand by them and resent any such treatment. There was not a woman in the league who did not indorse the motion to leave the hotel.

Meeting Indefinitely Postponed.

"The meeting has been indefinitely postponed. Those who bought tickets will have their money refunded to them. Arrangements for another meeting will be made. I do not think the league will countenance any attempt to expel its Negro members."

According to Stevens' version of the affair, the first intimation the hotel had that Negroes were invited as guests to the hotel was received on Friday, when he was in conference with Mrs. Cortland Ames, chairman of arrangements, regarding the placing of tables for the luncheon.

"Mrs. Ames told me to prepare a special table close to the speakers' stand, saying that it was for the Negro contingent of the organization," Mr. Stevens said. "I asked her what she meant and she repeated that there would be several Negro women, prominent in club activities of their own race.

"I then assured her that while the management of the Hotel La Salle was only too glad to extend every possible courtesy to the clubwomen of Chicago, we could not break a precedent which is as old as the hotel and admit Negro guests. Mrs. Ames told me that the Negroes already had been invited and that the invitations could not well be retracted.

"My waiters, I explained, probably would refuse to serve them, which would add greatly to the embarrassment of all

present. In fact, I might have had a strike on my hands the moment the Negroes took their seats.

"The matter was taken up again this morning with Mrs. Charles H. Betts, president of the league. She called a directors' meeting. I understood, at which it was decided to postpone the meeting.

"It is true that some of the women who were uninformed as to the postponement came to the hotel, and it is a matter of deep regret to us that we had to inform them that the luncheon could not be held in the Hotel La Salle."

ARE THE NEGROES COWARDS?

A mass meeting of whites was held Thursday, May 1, at the Old Masonic Temple, Washington, D. C., under the auspices of the National Democratic Fair Play Association. "Race Segregation in Government Employ" was the principal topic discussed. In the resolutions adopted we note the following:

WHEREAS, we find that Negroes are holding Federal positions in Washington and elsewhere in the United States in the same departments with white men and white women, and in a great many instances exercising supervision and control over white men and white women in said departments, and

WHEREAS, we believe that said conditions are mutually disagreeable and injurious to both the white and Negro races, and is destructive to the moral welfare and amicable relationship, so much desired by both races.

RESOLVED, that it is the sentiment and the conviction of this organization that a Democratic Congress should by law segregate the races in the public service, conserving to the Negro race its fair share of government employment, based upon the race's numerical or voting strength, as in the sound discretion of Congress shall be just and fair to the Negro.

RESOLVED Further, that it is our sincere belief that the consummation of the purposes of this organization will aid and assist our National Democratic Administration, and that the realization of the processes and principles hereof are vital to the continued supremacy of the Democratic party.

RESOLVED Further, that this association be permanently located in Washington, D. C., that membership and correspondence be solicited; that every Democrat and

every patriot in the United States be invited to become a member.

In the South the Negroes have been disfranchised by thousands. "Jim Crow" laws, such as separate accommodations on the trains, have been ruthlessly passed. Our women have been insulted and are compelled to submit to many indignities. There seems to be an element of white people in this country that believes that the "moral welfare and amicable relationship, so much desired by both races," can be brought about only by the Negro bowing to every wish and whim of the Caucasian. The question of whether the white man is right or wrong cuts no figure.

There are ten million Negroes in the United States. Indignity after indignity is being heaped upon the members of the race. The more subservient the Negro is the more he is kicked about. We have but one question to ask: ARE THE NEGROES COWARDS?

ADVANCED STUDIES WILL BE TAUGHT

Curriculum of Baltimore Colored High School Will Not Be Changed—Board Defeats Briggs Resolution.

Special to THE NEW YORK AGE.

BALTIMORE, Md., April 15.—An unfavorable report on changing the curriculum of the Colored High School was read and approved at last week's meeting of the School Board, which means that the plan of Commissioner Biggs to exclude languages and other advanced studies to Negro students will not be adopted.

The Negro citizens vigorously opposed the Biggs proposition, and succeeded in convincing the members of the board that much harm would come of any movement tending to introduce industrial education in the Colored High School to the exclusion of advanced studies.

Councilman Harry S. Cummings, who led the fight against the adoption of the Biggs' resolution, stated to THE AGE correspondent that had the proposed change been made it would have resulted:

First.—In depriving our young men and women of a high school course, the only means of preparation for positions

as teachers in our colored schools.

Second.—Without this course there would have been no incentive to our young men and women who aspire to be teachers.

Third.—Without colored teachers trained as such and able to fill the growing demand, white teachers would have been employed and as the long settled policy here is against mixed teachers, the four or five hundred colored teachers now drawing thousands of dollars from the city in salaries ranging from \$2,400 to \$500 per annum would have been forced out.

MISTREATED AT NORFOLK

Says the Norfolk Journal and Guide: "The colored patrons of the New Wells Theatre are registering a vigorous complaint against the accommodations and prices charged at its new playhouse, and the complaints are not without just grounds. In the first place the prices are not uniform and vary with almost every show. The popular prices paid by the white patrons in the gallery section do not prevail so far as concern the colored patrons, for although they have access to about one-eighth of the house, they have to pay an extra 25 cents for the privilege of occupying the front seats and the three following rows, which the management call 'reserved seats.'

"Of course when the prices are advanced everyone is expected to pay according to the places they occupy, but to charge a white person less than what a colored one pays when they occupy the same position in the gallery is wrong and the kick the colored people are putting up is well founded. Since the colored patrons are allowed only one-half of the gallery, and cannot for love or money have access to any other part of the house, it certainly seems unfair to tax them with paying for reserved seats, while the white people opposite them, over the 'Jim Crow' line, take whatever seats they choose, the rule being 'First come, first served,' while to the colored people the rule seems to be, 'First seats, all reserved.' The Journal and Guide expects to point out every glaring piece of racial discrimination that comes to its attention, and only ask the co-operation of the people whom it represents and tries to protect."

EDITOR'S NOTE.—If the protests of the colored citizens of Norfolk, Va., are of no avail, we respectfully refer them to the solution offered by the Louisville *Nigger*

ANTI-MARRIAGE BILL KILLED.

(Special to the Sun.)
Columbus, O., April 22.—The separate marriage bill, which sought to prevent intermarriage between white and colored in this state, was killed by the Ohio legislature last week. The vote was a two-to-one affair. Other states that have defeated such a bill during the year are Pennsylvania, Michigan, Iowa, New Jersey and Kansas.

Discriminations-1913

LEVY ACT IS NOT AFFECTED BY DECISION

Supreme Court Ruling Not Applicable to State Civil Right Laws

FEDERAL ACT IS INVALID

Negroes Discuss Findings of U.S. Supreme Court Which Holds Act of 1875 Unconstitutional.

Age 6-19-13

The decision of the United States Supreme Court, handed down Monday, which declared the Civil Rights Act of 1875 unconstitutional and not applicable to Federal territory or navigable waters of the United States, is variously regarded by Negro citizens of New York and elsewhere.

That it does not affect the Civil Rights acts of New York and other States where such laws are on the statutes is now generally known, despite the attempts of the New York *World*, New York *Tribune* and other papers to confuse their readers with the issues involved.

The point was decided in the case Mary F. Butts of Everett, Mass., who sued the Merchants and Miners' Transportation Company for damages on the law because she was required to sit at a second table and use soiled linen on a trip from Boston to Norfolk, on an occasion when she held a first-class ticket. She averred that she was discriminated against solely because of her color.

In announcing the court's decision Justice Van Devanter said that Congress had not intended to legislate separately for the States, on the one hand, and for the sea, and other places where the Federal Government had exclusive jurisdiction, on the other, and so the law, being invalid as to the States, must be held invalid in all respects.

There were two Civil Rights bills. One was an act designed to carry out the intention of the Thirteenth Amendment to the Constitution, prohibiting slavery, which, it was alleged, the Southern States were attempting to nullify by public and private action, and secure the political equality of the ex-slaves with the whites. The other was an act to exclude colored persons from juries, and from equal privileges in schools, public conveyances, hotels and theatres.

There were five test cases in the Su-

preme Court of the constitutionality of the second bill, decided in one group, October term, 1893. Two of them were for hotel discrimination, two for theatre discrimination, and one for railroad discrimination.

The court held that certain sections of the law were unconstitutional as applied to States, not being founded on either the Thirteenth or Fourteenth Amendments.

Among those to discuss the effect of the decision were Counselor Wilford H. Smith and Counselor James L. Curtis.

Supreme Court Reverses Itself.

In commenting on the actions of the United States Supreme Court for rendering such a decision Counselor Smith expressed himself as follows:

"A recent decision handed down by the United States Supreme Court at Washington strikes another blow at the Negro. His helplessness and the white man's power only have made it possible. It is one of the saddest exhibitions of the exercise of arbitrary power that we have ever heard of.

"The Supreme Court of the United States in thus resorting to legal hocus pocus to nullify a law which has been invoked by white men whose civil rights have been invaded, not only gives us pause, but it raises a doubt in our minds whether the act which made us citizens may not also be in danger of repeal on the ground that its framers did not know what they were about when they incorporated it into the fundamental law of the land.

"The United States Supreme Court, in its decision in the Slaughter House case, affirmed the constitutionality of the civil rights bill in this language:

"But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence, we think it will be found that this court, so far as its functions required, has always held with a steady and an even hand the balance between State and Federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the constitution, or any of its parts."

"If the law is an exact science then the decision rendered in the Slaughter House case is as valid and as binding to-day as on the day it was first handed down as the deliberate opinion of the highest court in the land.

"We do not believe that Hooke's immortal tribute to law, viz., 'Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power' will apply to this monstrous decision which ruthlessly robs the Negro of one of his dearest and most sacred rights in obedience to a maudlin public sentiment which demands that the Negro's face shall be put in the sand that he shall be humiliated and harassed and humbled and made a mere stranger and so-

journer in this land.

"Now the States did not create themselves. They were created by the States in combination—the State. Be- individual States have a right to regu- ing, therefore, the creature of the State they can make no law to abridge the rights or immunities of a citizen of the United States.

"In the case of Paul vs. Virginia, 8 Wallace 180, the court expounding the clause of the constitution held: 'That the privileges and immunities secured as of any public conveyance on land and water, and to punish any person States by the provision in question are those privileges and immunities which are common to the citizens in the later States under their constitution and laws by virtue of their being citizens.'

"We see in this last decision of the court a revival of the doctrine of States' rights, which was shot to death in 1861. The American Japanese can- not retaliate for this indignity to his manhood and his self-respect, as the Yankees of the Orient will, if this to a country does not make satisfactory an- swer to their protest against the dis- criminatory legislation passed in Cali- fornia. But we can and will protest with all our voices against this judi- cial sand-bagging of the Negro by a court of justice, the major portion of whose members are from that section where Negroes are fundamentally and eter- nally inferior to white men.

"The South has at last succeeded in getting the edge of the wedge under equal rights into law; and to do this the war amendment, and we may now look for the fulfillment of the promise made more than forty years ago to repeal all legislation enacted by this Republican party securing the Negro equal civil and political rights with white men, some of whom tried to destroy the government which these Negroes helped to defend and save. The Democratic party, true to its character, is showing how contemptuously it regards the solemn pledges which a grateful nation voluntarily gave to the Negroes who signalized themselves in the war of the rebellion and saved the nation's escutcheon from inglorious defeat. 'Honor's the thing.'"

'A Question of State Rights,' Says Curtis.

Counselor Curtis had this to say:

"A judicial decision is one thing and the comment of newspapers is another and very different thing. My opinion certainly will not be fashioned or shaped by the opinions of newspaper writers who say that the legal effect of the decision is that Negroes may hereafter be openly refused accommo- dation in hotels and eating houses in Washington or elsewhere without re- sort to subterfuge.

"Most lawyers recognize the fact that except possibly on the high seas and in territories the Federal govern- ment cannot interfere with the re- served rights of the States in regulat- ing their internal affairs and defining their police powers, so far as the same affects its own citizens.

"Speaking generally, I am of the opinion, without having read the de- cision, that the decision simply lays down this well recognized principle of law and declares that any Federal law in conflict therewith is also in conflict with the constitution and is therefore unconstitutional.

"There need be no fear, in my judg- ment, on the part of colored people that

a nation-wide saturnalia of discrimina- tion and proscription will follow in the wake of this decision. Clearly the in- dividual States have a right to regu- late these matters; they have the right, as many of them have recog- nized, to make it a State law that all citizens shall enjoy to the full all the accommodations, advantages, facil- ities and privileges of any place of public resort and amusement, as well as of any public conveyance on land and water, and to punish any person violating such a law by criminal prose- cution, or make such an one respond in damages in a civil action.

"The Tenth Amendment to the Fed- eral Constitution expressly reserves these powers to the States. It there- fore seems to me that the effect of this decision will not necessarily be in- jurious to the Negro, for if he is able to read the signs of the times he will recognize that he can no longer look to a parent, or as a ward to a guar- dian, but must take his stand in his domicile State, and there fight his battle for equal rights under its laws.

"Henceforth the sagacious colored American will strive to make friends with his fellow citizens and neighbors whereof all parties if he hopes to preserve these rights in individual States where they now have the sanction of the laws, and to crystalize the sentiment of other States on the question of equal rights into law; and to do this he must cease to make a fetish of any party and cease to send up his prayers to Washington, and make alliances with his residence State with men of all parties who will promote the principles which the late Federal Civil Rights Act was predicated."

CENTRAL RAILROAD "JIM CROWS" IN LUNCH ROOM.

Colored patrons of the Central Rail- road of New Jersey are indignant over the "Jim Crow" policy recently inaugu- rated in the company's lunch room at Jersey City. The new order of things is that if a colored passenger wants to eat in the lunch room it is necessary for him to sit in a secluded section set apart for the accommodation of Ne- groes.

This latest move to humiliate and em- barass colored citizens was inaugurated about a month ago, when a new super- intendent, with southern tendencies, was installed. The road has already lost several colored patrons on account of his ideas on segregation.

Among those to feel the sting of the new "Jim Crow" order was B. F. Sel- den, formerly a teacher in the public schools of New Jersey and recently con- nected with the Colored Orphan Home at Riverdale-on-the-Hudson. Recently Mr. Selden purchased in New York a first class ticket for Freehold, N. J. He was misinformed by the railroad of- ficials as to the correct time the train was scheduled to leave Jersey City for Freehold, and upon reaching Jersey City learned that he had missed the train desired and would have to wait about an hour.

DISCRIMINATION BILL IS SIGNED

Gov. Sulzer Approves of Measure Introduced by Assemblyman Levy

CAN'T DRAW COLOR LINE

Bill Provides that no Person Shall Be Kept Out of a Place of Public Resort on Account of Color

PUBLIC NOTICES PROHIBITED

A Sign That a Person is Unwelcome Will Be Considered a Violation of Statute— Can Bring Criminal and Civil Suits.

4-17-13

Special to THE NEW YORK AGE.

ALBANY, N. Y., April 15.—Last Satur- day Gov. Sulzer signed the Levy bill which amends the law relating to equal rights in places of public accommodation, resort or amusement. Gov. Sulzer, who approved of the introduction of the bill before it was presented to the legisla- tors for consideration, says that it makes more stringent provisions against discrimination on account of race, creed or color in places of public resort.

The bill as amended provides that no person who is the owner, lessee or manager of a place of public accom- modation, resort or amusement shall deny any person accommodations, or publish, circulate, display or post or mail any printed communication or ad- vertisement to the effect that any of the accommodations or privileges of any such place shall be refused or de- nied to any person on account of race, creed or color, or that such persons are unwelcome. The production of such notice is presumptive evidence in any civil or criminal action that this notice was authorized.

A place of public accommodation, re- sort or amusement within the meaning of this article, the bill continues, shall be deemed to include any inn, tavern or hotel, whether conducted for the

entertainment of transient guests or for the accommodation of those seeking health, recreation, or rest, and any restaurant, eating house, public conveyance on land or water, bathhouse, barber shop, theatre and music hall.

(Any person violating this section whether or not the reasons for denying such rights of accommodations are applicable alike to all citizens of every race, creed or color, shall be liable to a penalty of not less than \$100, nor more than \$500, to be recovered by the person aggrieved and in addition shall be deemed guilty of a misdemeanor punishable by a fine of not less than \$100, or more than \$500, or by imprisonment for not less than 30 days, or more than ninety days, or by both fine and imprisonment.)

White Employee Insulting.

Mr. Selden complained to the authorities about the "Jim Crowing" of colored passengers at the Jersey City lunch room and how he was insulted by the white employee. Hundreds of colored passengers ride on the trains of the Central Railroad of New Jersey daily, and the fact that the railroad is discriminating against them has caused them to travel on the Pennsylvania, where no color line is drawn, either on the company's trains or in the lunch room in Jersey City.

This information aroused Mr. Selden's ire, and he asked to be shown the man in charge. A white man was pointed out, who, upon listening to Mr. Selden's complaint proceeded to discuss the race problem from his narrow viewpoint. When Mr. Selden told the white hireling that he saw no difference between a white and a colored passenger. The "Jim Crowist" remarked, "Well, you are the first colored man I ever saw who did not know the difference between white and colored."

Mr. Selden has complained to the authorities about the "Jim Crowing" of colored passengers at the Jersey City lunch room and how he was insulted by the white employee. Hundreds of colored passengers ride on the trains of the Central Railroad of New Jersey daily, and the fact that the railroad is discriminating against them has caused them to travel on the Pennsylvania, where no color line is drawn, either on the company's trains or in the lunch room in Jersey City.

Last week B. G. Hull was awarded judgment for \$100 damages against Moss & Brill, owners of the 86th Street Theatre, the theatrical managers having to pay the fine for violating the statutes which provide against discrimination in public places because of color. The decision, holding that Moss & Brill were guilty, was rendered by Judge Marks of the Municipal Court, a fearless court official, one whom all colored residents of New York should re-

member. It must not be overlooked that in some instances judges do not decide cases according to the law and evidence, but are prompted to act by outside influences—influences which are always at work. *Age 5-29-13*

The owners of the 86th Street Theatre are the first to feel the sting of the law since the Levy bill became operative, which was passed to strengthen the Civil Rights Act and give the residents of New York who are proscribed against on account of color, race and religion a better opportunity to get redress. The colored residents of New York who believe in fighting for their rights should hail the conclusions reached in the case as a big victory. Had Moss & Brill won the daily papers would have had much to say relative thereto. But as a colored man won the importance of the decision was discounted. However, we must learn to place a value on things from our viewpoint.

Mr. Hull testified that on several occasions he went to the 86th Street Theatre and was sold tickets for the first floor. He is of light complexion and was mistaken, it is presumed, for a white man. On the evening of December 14th he went to the theatre, accompanied by two colored ladies who were of darker hue, and when he applied for tickets for the first floor he was refused. Mr. Hull was informed that he could buy seats for the balcony but no seats on the first floor were available. The witnesses for the plaintiff corroborated his testimony.

ing that the theatre party could have secured tickets for the first floor if those in the box-office had been disposed to sell them.

A colored performer was heard to remark one evening this week that the decision of Judge Marks would result in Moss & Brill ceasing to play colored acts in their houses. It is difficult to believe that they are so narrow-minded. Because they broke the law and were fined for so doing does not justify any such unfriendly attitude toward the colored vaudevillian who had nothing to do with the Hull case. Those who do the booking for Moss & Brill should do them the favor of showing them that it would be foolish to adopt such a policy, even if they were inclined to do so.

Within the past year every suit properly brought against managers of theatres who have drawn the "color

DREW LINE; HAS TO PAY DAMAGES

The New York Age
10-16-13.
Jury Awards Aldwin Babb Judgment For \$100 Damages Against Saloonman

DISCRIMINATION CHARGE

Ralph Elsinger Violated Levy Law, Having Refused To Sell Negro Drink Unless He Paid 50 Cents.

TRYING TO THWART JUSTICE

Lawyer For Saloonkeeper Raises Point That a Saloon Is Not a Place of Public Accommodation.

Aldwin C. Babb, residing at 81 W. 132d street, was awarded judgment for \$100 damages against Ralph Elsinger, owner of a saloon at 112 E. Twenty-third street, by a jury in the Seventh District Municipal Court, Justice Spielberg, presiding, last week.

This is the first victory secured by a colored citizen for being refused at a public place of accommodation since the Levy bill became a law.

Babb testified that he entered Elsinger's saloon to get a drink. Although he accosted the bartender courteously and was neatly dressed, he was told that he could not get a drink in the place unless he paid fifty cents for it.

Babb refused to pay such an exorbitant price for a drink, and after consulting a lawyer brought suit against Elsinger for damages.

The saloon keeper pursued the tactics usually adopted when brought into court. He sought to impress the jury that a mistake had been made and that he had not drawn the color line on the plaintiff.

After the jury, composed of white citizens, had brought in a verdict of guilty, finding judgment for \$100 damages in favor of Babb, Elsinger's attorney made a motion, asking the court to

set aside the verdict on the ground that a liquor saloon is not "a place of public accommodation" under the law.

Justice Spielberg gave the attorneys in the case until October 17 to submit briefs on the question at issue.

Representative members of the bar find themselves unable to coincide with the views of Elsinger's attorney that a saloon is not a place of public accommodation within the meaning of the law.

METHODIST WOMEN PROTEST FLORIDA LAW

Special to THE NEW YORK AGE *12-4-13*

Little Rock, Ark., Dec. 2.—At the recent session of the board of managers of the Woman's Home Missionary Society of the Methodist Episcopal Church, held in Washington, D. C., Mrs. Hilda M. Nasmyth, superintendent of the Adeleine Smith Home for the girls of Philander Smith College, this city, who has given seventeen years to educational and social uplift work among Negroes, introduced and worked earnestly to secure the passage of a set of resolutions protesting the law recently passed in Florida prohibiting the employment of white teachers in schools for Negro children.

After meeting criticism and overcoming prejudice, Mrs. Nasmyth secured the signatures of 162 women from all sections of the country, including the South, to the resolutions, and they were unanimously adopted. The following is the text of the resolutions:

Whereas, In the State of Florida, on the 7th of June, 1913, by the approval of the Governor of said State, there was added a law to its statutes making the teaching of Negroes by Caucasians unlawful, and imprisonment and fine the penalty of such an offence;

Whereas, We believe that such a law is entirely out of harmony with the spirit and the interpretation of the constitution of our national government, out of accord with the progress of our country, out of tune with the advanced Christian thought and leadership, and entirely against the "Golden Rule" of the lowly Nazarene, in whose steps we assay to follow, and whose example we endeavor to emulate;

Whereas, Fifty years of freedom with all that such freedom has meant in upward tendencies and splendid achievements, is as a drop in the bucket of racial life of any people; and, therefore, in so short a time these citizens have not as yet been able to develop leaders necessary for their uplift to proper and merited rank in national life;

Whereas, We feel that such a law will not only retard the progress of the Negro citizen but will hinder all other citizens in their advancement also; and

Whereas, We feel that all people living under this nation's government should have an equal chance in the race of life and that it is the duty of the better favored to help the less fa-

vored;

Be it Resolved, That the Woman's Home Missionary Society of the Methodist Episcopal Church in the annual meeting of the Board of Managers, representing a constituency of more than two hundred thousand members, and from every State of the Union, assembled in the city of Washington, District of Columbia, do sincerely deplore the enforcement of such a law, and register its protest against the enactment of said law, as unconstitutional, unjust to its citizens, unchristian in its spirit and as being entirely contradictory to Divine law and the voice of conscience;

Resolved, That these resolutions be printed in our annual report and a copy be sent by our secretary to His Excellency the Governor of Florida.

TUESDAY, JULY 22, 1913

Mmt Adv 7-22-13

STARTING TROUBLE.

New York State has a new law, to take effect September 1, that will arouse the anger of a great many white people all over the country. Under this law it will be a misdemeanor for "any hotel, bathing beach, restaurant, theatre or barber shop owner to discriminate against any person on account of race or creed." No such place may even advertise that it excludes members of any race. The law provides a fine of from \$100 to \$500 for violations.

Heretofore, many New York hotel proprietors, and those of other Northern and Eastern centers, have succeeded in excluding undesirable guests by fixing the rates so high the undesired could not afford to stop at the places. Or else, the management has kept the undesirables away by telling the applicants for accommodations that his hotel was "full up."

The Charlotte Observer doubts if the New York law, railroaded as it was through the Legislature, is constitutional. It doesn't believe a serious attempt will be made to enforce it, but it is quite certain that the New York negro will not forget the provisions of the statute. Long coddled and spoiled, the New York negro will now make himself more offensive than ever.

There is trouble ahead, if a serious attempt is made to enforce the absurd and unjust law passed by the recent session of the New York Legislature.

No more offensive piece of legislation has been done in recent years than this law.

Discriminations - 1913

THE RACE MARRIAGE QUESTION.

In THE AGE of January 23 we made news records of the fact that the question of the intermarriage of whites and blacks had been made the subject of legislative consideration in New York, Ohio, Michigan and Minnesota. New Jersey has since been added to the list, and the movement may taken on the character of a stampede in most of the States of the North and West in which there is any considerable number of Negroes. *Page 2-6-13*

We foreshadowed the possibility of this movement in the early discussion of Jack Johnson and his female mix-ups. That the matter will get into the Congress sooner or later is probable, although the subject is concededly, but unjustly, one of State rather than Federal control. It is somewhat of the nature of the question of the right to vote. The Constitution declares who are citizens, and such as it does not so declare cannot vote; yet the question of who shall and shall not vote is left to the States.

We do not know of any discrimination or persecution perpetrated by State legislation, except that of "involuntary servitude" and "penology," upon the Negro citizens by the terms of the three war amendments, that the Federal Supreme Court has not held to be valid, "because bearing equally upon both parties," the blacks and the whites—including the marriage of blacks and whites, if we remember correctly, in 1870. As in the "Jim-Crow Car" laws, so in the primary and voting and marriage between blacks and whites laws, "the separate but equal" and "the bearing equally upon both," protects the white party concerned at every point and leaves the black and yellow citizen without the protection of the law, and at the mercy of the individual white citizen, who is free to insult, order about and even to strike and murder, a black person who resents the conduct, and be justified by a judge and jury of his white peers for so doing. The thing now happens at some place in the country every day, and is growing worse instead of better. Separate marriage laws and the discussion of them are adding fuel to the flames.

The matter has reached the point in the Southern States, and is fast reaching it in the Northern and Western States, where a black man cannot look at a white woman without arousing "the suspicions" of a policeman, who has power to arrest and lock him up on a charge of "disorderly conduct," or the resentful insolence of some white "trash" with a disposition to be "fresh."

The wording of the bill introduced by Senator Caswell in the New York Legislature, as we showed by quotations from it in THE AGE of January 23, is so loose and vulgar as to be worthy of Senator Caswell and the Southern Society in New York, but unworthy of consideration by the members of the New York Legislature. It is possible that a correctly and decently worded bill will be introduced, or the Caswell bill emasculated of its crudity and vulgarity. We may as well prepare for that, and begin to fight the principle in New York, as THE AGE took the lead in doing and as the Equity Congress has determined to do it. Other organizations throughout New York City and State should do like-

wise, and at once.

THE AGE is no alarmist, and never has been; it does not run into any danger nor away from any that runs into it. The Negro must fight for his rights, the least and greatest, whenever they are assailed, or he will have none in the end. The Separate Marriage law scheme should be fought to the bitter end. At the bottom of the whole scheme to isolate the Negro citizens in all of the public and private relations of life—in the industrial trades skilled and unskilled, by trades union rules and regulations; in segregating them, separating them to themselves in living districts, in cities, villages and counties, and in branding them by law as so far inferior that they may not marry and give in marriage, as other races of the citizenship are free to do; in eating and drinking in places of licensed accommodation and amusement, and in accommodations in travel, by land and sea, as others are free to do—at the bottom of the whole scheme is to be found the slave-holders' doctrine, as formulated into the law of precedent by Chief Justice Roger B. Taney of the Federal Supreme Court in 1856, that "it has been so far held to be good law and precedent that a black man has no rights that a white man is bound to respect." He therefore made it a precedent for Supreme Court interpretation, and it remained so without challenge until the ratification of the thirteenth amendment, abolishing slavery, of the fourteenth amendment defining citizenship and of the fifteenth amendment guaranteeing the rights of citizenship killed the letter of the precedent, but left alive the spirit of it, as far as the Federal Supreme Court is concerned, the spirit of the Taney dictum still dominating its interpretation of the Negro's rights in law and equity.

The political rights of citizenship are the foundation of all the other rights builded upon it. The destruction of the Negro's right to vote, first by the violence of the organized Ku Klux Klan, the Knights of the White Camilia, and the Red Shirt cut throats of the Southern States, between 1868 and 1875, then by legislative enactment of the several Southern States, and then by Federal Supreme Court validation of such disfranchising laws of the several Southern States, has been followed by all that vast body of class legislation, enacted since 1876, that is almost as irksome, oppressive and degrading as the infamous Slave Code, which grew up under slave conditions from 1620 to 1860. The general enactment of laws prescribing the rights of blacks and whites to inter-marry will leave the Negro legally deprived of all the rights and immunities of citizens guaranteed to him by the war amendments.

According to Plato and Aristotle, "The law is mind without passion, and therefore like God," but when the law becomes passion without mind God has nothing to do with it, except to force those who make it to drink the poison of death in the laws of passion they make. As Locke says, "where there is no law there is no freedom"; so, where there are laws of passion, which brutalize a part of the people supposedly for the advantage of the other parts, the tendency in all ages has been to brutalize the whole people in the end. The Slave Code worked that way, and would have destroyed the nation if the nation had not destroyed slavery and its infamous code. Writing on "Compensation" long ago, Ralph Waldo Emerson said: "Things refuse to be misman-

"JIM CROWING" CONTINUES

Page 2-26-13
Democrats at Washington Are Now Segregating Races in Postoffice Department—Big Fight in National Association for Advancement of Colored People—Waldron Asked to Retire.

Special to THE NEW YORK AGE.

WASHINGTON, D. C., June 25.—The Democratic administration continues to remind Negroes especially that it is in power. With Negro dismissals nearly every week, and the segregation in departments, to which THE AGE has already referred, the man and brother is much at sea. It is now reported that the large number of Negro clerks in the Post Office Department have felt the hand of the segregationist, and are now confined in a sweaty hot-box of a room behind lockers where no one can know that they are there. In addition they have been notified, it is also reported, that they must use separate toilets, which have been designated on the eighth floor. And the end is not yet.

The National Association for the Advancement of Colored People sent its representatives here last week to eject from the local organization Dr. J. M. Waldron, erstwhile president. The Rev. Dr. Waldron refused to retire. The meeting called for that purpose "broke up in a row," and in the melee lights were turned out and general confusion followed. Crimination and recrimination were indulged in and the church looked more like a battle ground than an edifice dedicated to the service of God.

Negro employees of the Government here would like for this local association to give some attention to the matter of changing these conditions in the departments instead of bickering as to who is and is not to hold the presidency of the organization. Dr. Waldron, F. A. M. Murray, L. M. Hershaw and other local representatives of the association are saying nothing while their fellow clerks are being maltreated by President Wilson's subordinates. These clerks need to have a strong word spoken in their behalf.

WOULD DODGE LEVY LAW

Counsel for Man Sued Say Saloon is Not a Public Place.

"Is a saloon a public place?" was a question raised this week by Justice Spiegelberg in the Seventh District Municipal Court in a suit brought by Aldwin C. Babb, a colored man, of 81 West 132d street, through Samuel Schwartzberg, 999 Broadway, his lawyer, to recover damages from Ralph Elsing, owner of a saloon at 112 East 23d street. Babb says Elsing on May 17 refused to serve a glass of gin to him unless he paid 50 cents for it.

The jury returned a verdict for \$100. Francis Gilbert, for the saloon keeper, asked that the verdict be set aside on the ground that a liquor saloon is not "a place of public accommodation" under the law. Justice Spiegelberg gave the attorneys until Oct. 17 to submit briefs.

aged long. Though no checks to a new evil appear, the checks exist, and will appear." Again, in the essay on "Politics." "We live in a very low state of the world, and pay unwilling tribute to governments founded on force."

In every condition of European and American society there are to be found black brutes and white mulatto grafts of black brutes, and white brutes and black mulatto grafts of white brutes, but neither sort make the laws; the laws are made by those who are no brutes to restrain and punish those who are and act as brutes; such sort have to be separated from people, those who do the world's thinking and work; and, far from being of one color,

new york age 2-6-13-
one race, in this country, or in Europe, they are of all colors and races that came out of Noah's Ark, the same as the brute sort, her male and his female. The color of the skin is no index to the color of the character, as the serpent of Seth and Eve has worked his color and poison into most flesh. The hair of a black dog and a black hog covers white flesh and the skin of a black man and a white man covers red blood and white flesh. There is a reason and an explanation of it all, but men have refused to read the "Mene, Mene, Tekel, Upharsin" written in history except in repetitions of blood battlefields like Waterloo and Appomattox.

The State of New York, and other States of the nation, and the nation as a whole, may complete the Black Code of White Discrimination, if they will, by the adoption of Separate Marriage laws, as we be few and weak and they be many and strong, but the nation will have to pay the cost ultimately at another Appomattox

JUDGE EDWARD T. WADE NOT DOING HIS WHOLE DUTY TO ALL CITIZENS

Refuses to Enforce State Law Against "Jim Crowing" Colored Citizens—Discharges Defendant Manager of Theater on two Criminal Charges of Discrimination—Refuses to Even Require Him to Make a Defense or Deny Charges—Houses at Thirty-ninth and Cottage Grove Have Taken Advantage, and Are Segregating Colored Citizens.

Chicago Defender
10-11-13
FAIR PLAY IS ALL WE ASK.
Citizens Who Are Law-Abiding Should Make a Kick by Sending Letters to Alderman in Their Ward and to Chief McWeeny—You Cannot Hurt Their Business as All Houses Are Under the Same Law—If You Buy a Ticket for the Main Floor See That You Get It—Do Not Let the Bouncer Bluff You and Lead You and Your Wife into the Gallery—You Are Just as Much a Citizen as the Italian Emigrant That Arrived Here Yesterday—Remember Your Brother or Uncle or You Have Been Wounded or Killed at Fort Pillar, or Made That Desperate Charge at Gettysburg.

are others! He is Edward T. Wade, now sitting at the branch municipal court, Thirty-fifth and Halsted streets. Some weeks since Mr. Robert Anderson and wife, respected citizens and taxpayers, living on East Thirty-

fourth place near Rhodes avenue, went to the "Monarch Theater," so called—a fitting name, the result of their visit shows—located at 461 East Thirty-first street, near Rhodes avenue.

The seats in this place are not reserved, and persons are at liberty, if white, to take a seat on the main floor or balcony; but not if you are colored, it was shown.

Mr. and Mrs. Anderson, having paid the admission fee of 5 cents, walked in and were told "Upstairs." To this they paid no attention. They seated themselves on the main floor, which was scarcely half filled. They were approached by the manager and "bouncer"—Louis Zimmerman—he proved to be when he was later arrested—and ordered, threatened and insultingly told to go "upstairs or get out." This action was repeated and in so disorderly a manner that the attention of the people was attracted to them and the pictures almost stopped showing.

Finally Mr. Anderson and his wife had to leave, as "hoodlum" friends of the manager became threatening and boisterous.

As they left they were told if they ever again returned they would be "thrown out."

The first day that the defendant appeared the case was, at his instance, continued by Judge Wade. On Tuesday, September 23, Hon. J. Gray Lucas appeared for the prosecution and proceeded to prove the above facts, and also that the "bouncer" told the Andersons that "this theater is for our patrons, and not for such as you; and if you can't sit where you are told, get out or we'll throw you out."

Judge at once sustained a motion by defendant's attorney, who is said to be the owner of the "Monarch Theater," to dismiss the case, the demeanor of the court (rather of Judge Wade) having been that of utter contempt of the case and the treatment accorded the Andersons, although the statement is plain. Judge Wade held, in a word, that this was not discrimination and would have then and there dismissed the case, not having required even a denial on the part of Zimmerman; but after a heated passage of words, in which Attorney Lucas stated that such a ruling had not been made in the state of Illinois for more than forty years, and requested a continuance to produce the decisions, the court reluctantly consented. The court, however, said that he (Mr. Lucas) should have brought his authorities; to which Mr. Lucas replied that he could not foresee that the court would need decisions on a matter so plain as it appeared under the laws of Illinois.

On last Friday, the 26th, the case was called after all others had been heard. Mr. Lucas brought the books with a decision of the supreme court of the United States and two decisions of the supreme court of Illinois, but to no purpose. Judge Wade would not hear them, and treated the case with the utmost contempt and without considering the cases, or permitting the reading of them, dismissed the case, although he had continued it for that purpose. He even refused to permit the entering of a nolle, so that some other judges might take them up, and "threw the case out of court," as the manager threatened to do to the Andersons. The intention of the court to dismiss was so well known that bets were offered by white habitués of the court that such would be the result. There are others on the bench like Wade, who disgrace their position and violate their oaths of office.

THEATRE MANAGER GUILTY

Anthene George, Proprietor of the Victoria Theatre, Harrisburg, Loses Case Brought by Negroes for Discriminating on Account of Color—Twelve White Jurors Return Verdict
Special to THE NEW YORK AM: 6-12-13

HARRISBURG, Pa., June 11.—Anthene George, proprietor of the Victoria Theatre, was tried Monday, June 9, before Judge McCarrell, for refusing accommodations on the first floor of his theatre to Negroes, and found guilty by a jury of twelve white men.

On February 7 five Negroes, Frank N. Robinson, Harry Burris, Robert Nelson, Percy Allen and Dr. H. C. Crampton, purchased tickets for a performance at the Victoria, but when they applied for admission downstairs were informed by the proprietor that the place for Negroes was in the balcony. Upon refusing to take seats in the balcony they were offered their money back, but refused it.

George admitted that he had made a rule that colored patrons should sit in the gallery because many white patrons had complained against mixing with colored people downstairs. A sign in the ticket window read: "The balcony of this theatre is provided for our colored patrons. If you do not want to sit in the balcony do not buy tickets, as they will not be honored in any other section of the theatre."

Defendant's Attorney Sought to Prejudice Jury.

Attorney for the defense, in summing up, attempted to appeal to the prejudices of the jury by saying that "if these men come for the purpose of mixing with the white girls and women in the dark downstairs of the theatre, then, of course, the defendant, by his restric-

tions, failed to accommodate them." The defense claimed that accommodations were not refused, but attempted to set up a right to say in what part of the house accommodations might be provided.

Judge McCarrell, in his charge, differed from the statements of the attorneys for the defense.

Judge Kunkel, reviewing the case for the complainants, in answering the point made by the defense in regard to the right of the proprietor to set his patrons where he saw fit for the comfort of all his patrons, said: "He has no right to compel you to climb the stairs to the balcony. You have the right of choice. This is the law and if the law is wrong the appeal must be made to the Legislature."

The jury was out three hours and returned a verdict of guilty. Sentence was deferred.

The case was brought under the act of 1887, which makes it a misdemeanor for a theatre or amusement manager to refuse admittance on account of race or color. It is considered of great importance in its bearing on other amusement places.

COMMISSIONER DELANEY

DENIES COLOR LINE REPORT.

Yonkers Girl Given Place in Department at Albany, N. Y.

Caribbean
6-2-13
Commissioner John B. Delaney of the department of efficiency and economy at Albany, N. Y., denies the report that Miss Julia Johnson of Yonkers, N. Y., who passed a successful examination for copyist and typewriter, was refused work by the department when she reported Dec. 1 for duty at the request of the department because she was a colored girl. At any rate, it is alleged that Miss Johnson was told that her services were not needed then, but she should come back within a week's time.

Meanwhile Miss Johnson consulted her lawyer, who in turn reported the matter to the deputy commissioner, calling the attention of that official to the law governing the civil service; also that Miss Johnson's name was on the eligible list and that she had been sent for by the department. This hint was sufficient, and on Tuesday morning, Dec. 9, Miss Julia Johnson, the girl in question, reported again for duty and was assigned to a desk in the department of efficiency and economy. The salary to begin with is \$50 per month.

ATLANTA, GA., SUNDAY MORNING, NOVEMBER 2, 1913. —SIXTY—
Crusade for 1913-14

Children of Joe Jung Enter School Monday; Chinaman Wins Decision After Long Fight



Photo by Francis E. Price.

Left to right: Ollie, 11 years old; Ruth, 12 years old, and Mary Elizabeth Jung, 6 years old.
 Ollie and Ruth start to school Monday.

A ceaseless, tireless battle of nation-wide scope, has just been ended by a decision from City Attorney James L. Mayson, that Ruth and Ollie Jung, the bright, happy children of Joseph Jung, Atlanta's first Chinese citizen, are eligible to admission into Atlanta's white public schools.

City Attorney Mayson's decision, which is regarded as final, means that the child of a white woman, and a man who does not come under the definition of negro, can enter the white schools. The decision is based on the Georgia school laws and the recent California school decision which threatened a breach in the friendly

relations of America and Japan. Jung's two bright children were just as happy at their home, No. 45 Parker street, Saturday morning as if old Santa Claus himself had made a visit to their humble, yet cozy abode, and placed into each chubby hand a huge stick of red and white candy.

Going to School Monday.
 "I am going to school Monday morning," Ollie shouted gleefully, and he hastened into the house to fetch forth a stack of brand new school books—high school size. "I'm going to the Williams school, and will be in the fourth reader."

Ruth, a girl of thirteen years, in whose perfectly rounded features and lily skin no Mongolian trait can be traced, proudly proclaimed the fact that she will be in the fifth grade.

Mrs. Lela Jung, the mother, stood in the doorway holding little Margaret, her nineteen months old baby. She is a white woman from south Georgia, intelligent and refined and proud of her thrifty Mongolian husband and ambitious children.

"I married Joe (that's the name she prefers to call her husband) because I loved him and because he was a good man," she said. "We have been very happy. I don't care what people say about me. He has been a good husband and father."

Next year the Jungs are going to send Mary Elizabeth, aged 6, to one of the public schools, and when little Margaret grows up she will be thoroughly educated.

Will Open School Doors.
 City Attorney Mayson's ruling will have the effect of opening the doors of Atlanta's schools to the Jung children

and when the school bell chimes Monday morning, its melody will be just as sweet to Ollie and Ruth Jung as it is to Willie Smith or Sadie Jones.

School Superintendent W. M. Slaton will approve the application for the Jung children, on Monday. Ollie is qualified to enter the fourth grade at the Williams street school because he had advanced that far under a private tutor. Ruth, who took lessons from the same teacher, is eligible to enter the upper fifth grade, but because the session is already far advanced she will be content to enter at the lower fifth grade.

The Jung case is notable in many respects. Two years ago he tried to get his two children into the schools. He failed, but was not discouraged. He enlisted the aid of Rev. A. M. Hughlett, pastor of St. Mark's church, and a number of influential church workers, and at the last meeting of the board of education he made another application. This time he succeeded in having the matter referred to City Attorney Mayson and he won.

Would Have Gone to Courts.
 Had the case been decided adversely, Jung would have resorted to the courts.

Joe Jung is a member of St. Mark's church, and his children attend Sunday school regularly. Jung has been living in Georgia many years. He is an upright Christian man. It has been many years ago since Jung's thoughts were of pagan gods and tong wars. Ever since the day he sheared his queue and donned tight-fitting American togs his dream has been of a wife, children and a happy home.

Until City Attorney Mayson gave his decision, Jung's dream had partly come true. He married a Georgia girl, who bore him four children. Jung built his home, and he is today one of the few Chinese taxpayers in Georgia. Now, that his children are to be admitted to the schools, Jung's one remaining ambition is to become a citizen.

That part of his future is in the hands of Uncle Sam; that is, he will shortly ask the government for naturalization papers. He realizes that it will be a hard fight, but Jung is a fighter, and that will help him a whole lot.

Mason Decides for Jung.
 Before admitting the Jung children

to the public schools the board of education asked these questions of the city attorney:

"Is Jung a citizen?
 "Have his children any rights in the schools?"

"And if they have rights of membership in our schools do those rights justify in sending them to white schools or negro schools?"

City Attorney Mayson does not attempt to answer the question as to whether Jung is a citizen. That is a matter for the government to decide.

Under the facts, namely, that Jung's children were born and reared in Atlanta, and his wife is a white person and a native of this state, City Attorney Mayson gives his opinion that the children have the right to attend the public white schools.

The question was a new one, and the city attorney cited the once noted Tape v. Hurley case in California, where the question arose as to whether a child between the ages of 6 and 21 years of age, of Chinese parentage, but born and always lived in the county of San Francisco, was entitled to be taken into the public schools.

California Court Decision.
 The California court held that the school act provided that every school must be open for admission of all children between certain ages, with certain named exceptions under which the Chinese child in question did not come, and the court decided that the child be admitted.

Georgia's code directs that "admission to all public schools shall be gratuitous to all children between the ages of 6 and 18 years, residing in the subdistricts in which the schools are located." The code directs that colored and white children shall not attend the same school. The child of a Chinaman and a white person does not come under the definition of a colored person. The child of a Chinaman and a negro would come under the definition of negro, and would be excluded from the white school.

The city code says that "the mayor and general council of the city shall maintain a system of public schools, as now established by law, in said city which shall be free to all children within the said city."

Board Has No Rules.
 The school board has no rules which depart from the city and state school laws, and if the board did have such rules they would be amenable to the state laws.

City Attorney Mayson gave his opinion to Superintendent Slaton Saturday, and at the next meeting of the school board the matter will be taken up.

The little family of Jungs are happy over ending the long fight.

Dr. A. M. Hughlett, pastor of St. Marks, is also happy over the culmination of the long fight.

"I am glad to hear that the children are to be admitted to the schools," he said. "Jung and his wife and children are good, Christian people, and deserve the reward for their endeavors."

PREJUDICE IS ON THE INCREASE

Washington Becomes Laughing Stock Among the Other Nations.

SPOILSMEN ARE EXPOSED

Statesmen Find That National Democratic Fair Play Association Is Composed of Hungry Office Seekers.

"SEGREGATING" THE RACES

Now the Colored and White Laborers in the Navy Department Have Been Ordered to Separate During Meal Time.

5-22-13

Special to THE NEW YORK AGE.

WASHINGTON, D. C., May 21.—Since the attempt of the National Democratic Fair Play Association, or more fittingly characterized as the "disseminator of race prejudice," to start trouble in the office of Recorder of Deeds, and the discovery of Senator O'Gorman and other statesmen that the association has been organized to throw out Republicans and supplant them with Democrats, tearing down the civil service bars at random, the organization has been less in the limelight, as the true mission of the hungry would-be-office-holders has been exposed.

Even the yellow journals who have been very liberal in giving the association space have become parsimonious, paying but little attention to what the spoilsmen are saying or doing, while the conservative journals, such as the *Washington Herald*, have begun to ridicule the National Democratic Fair Play Association for its hypocrisy, greediness and un-Americanism.

Tried to Fool Senator O'Gorman.

Senator O'Gorman, who was asked to investigate the office of Recorder of Deeds, the association having found a white woman who thought she had a grievance, has been convinced that the spoilsmen were merely trying to use him as a tool. Finding that the charges had been preferred by one whose record shows that she is incompetent, and that the association was trying to start a race controversy to get hungry Democrats work, Senator O'Gorman has ceased considering the association seriously, as have other Senators.

There is no denying that color prejudice is on the increase since the Democrats have taken possession at Washington. There are hundreds of white and colored citizens who find it diffi-

cult to understand why the capital city of the United States should be disgraced by these radical outbursts, which makes the United States a laughing stock among the other Nations.

Even the laborers who work in the Navy Department have been separated. Rumor has it that Josephus Daniels, Secretary of the Navy, chanced to see the colored and white laborers eating side by side at noon hour. While they were eating from separate dinner pails objection was made to them sitting side by side and eating. The "social equality" bugaboo was raised, and an order was issued that the white and colored laborers separate during meal time.

An Asinine Regulation.

In the Bureau of Printing and Engraving the colored and white girls have been separated since the visit of Mrs. Woodrow Wilson and Mrs. Archibald Hopkins. Many of the white girls have protested against the segregation order, as they were on very friendly terms with the colored girls. It is acknowledged that the colored girls are more efficient and have been of much aid to the white girls. Now every afternoon in the Bureau of Printing and Engraving you can see the colored girls through with their work an hour or more before the white girls, and the latter looking at their former associates for help.

The colored and white employees in the Government service have been working together for decades. The asininity of those who are clamoring for the segregation of races is plainly evident to all who are not swayed by race prejudice; for if the working side by side of the colored and white employees for years and years has not brought about calamitous conditions, what logical argument can be made that it is necessary to adopt such a narrow policy now?

The majority of the chiefs of the various divisions do not take kindly to this new order of things, as it interferes with the efficiency of the office force. But what are they to do? They fully appreciate that the new administration is conducting the affairs of office from a political and not a business standpoint.

A SOLUTION OFFERED.

(BY LESTER A. WALTON.)

ACCORDING to the *Louisville News*, a colored weekly publication, the stockholders of the National Theatre, Louisville's newest playhouse, have decided that all colored citizens must sit in the gallery. "Either take seats in the gallery or stay away," is the ultimatum issued by the theatre management to the colored people.

As the statute books of the State of Kentucky or the city of Louisville are not adorned with laws making it an offense to discriminate against citizens of color in places of accommodation,

seems that Louisville's colored theatregoers must either remain away from the National or accept the only alternative offered—cast aside their self-respect and allow themselves to be penned up in the gallery.

But the colored people of Louisville are not submitting to this segregation idea without a fight. For three days last week Dr. Lattimore and William Warley, representing the colored citizens, held conferences with David King and Lee L. Goldberg, managers of the National Theatre. The demand was made that the colored playgoers be treated more courteously. A proposition was advanced to pay more for seats in the second balcony than the white people, but Messrs. King and Goldberg answered in the negative.

Manager King undertook to show the wonderful advantages of sitting in the gallery, which he described as a fine place, affording an excellent view of the stage. He spoke of having been born in Detroit, where conditions were different, and said, so far as he was personally concerned, it did not matter where the colored people sat; but that there were 150 stockholders in the National Theatre, and they were opposed to colored people sitting anywhere except in the gallery.

It was made plain to Messrs. King and Goldberg that the precedent established and the principle involved in segregating colored people in the gallery were all wrong, "and that decent, self-respecting colored citizens would not stand for such 'Jim Crow' policies; that colored people of refinement and intelligence did not want gallery accommodations any more than the same class of white people. The managers were also told that to set such a precedent in a new house would encourage the race discrimination at other theatres.

The proposition made by Messrs. Lattimore and Warley to pay more for seats in the second balcony was being favorably looked upon by Messrs. King and Goldberg until it was pointed out to their conferees that colored people would have to enter from the alley on the side of the theatre and leave the same way. The theatre managers dignified the passageway by referring to it as a "court," but when it was made evident that the colored playgoers would be barred from the front door entrance and branded as inferiors, the conference was called off.

The *Louisville News* in commenting on the situation says:

So now it is up to the colored people. Will they give their patronage to such a theatre whose stockholders refuse them common, decent treatment? Is their passion for pleasure greater than their self-respect? Will they stomach this insult in order to be amused? Will our women climb to the top of a three-story building and pay the same money as other people who get altogether different and better accommodations? Will they brand their race as inferior and encourage other discriminations by accepting inferior treatment? These and kindred questions must thoughtful people consider and then ask themselves is it worth while. There is a certain class who will go, but surely no self-respecting, race-loving man or woman will accept the accommodations of this new theatre.

The solution is this: Patronize the Ruby and the Olio, colored theatres owned by colored men. Build up these places until they can give shows equally as good and so keep your self-respect and keep your money in your race.

If the colored newspapers throughout the United States would take up cudgels as has the *Louisville News*, and make an earnest and vigorous plea to members of the race to show deep resentment against segregation in theatres, we would receive more respectful consideration. Colored Americans should be taught that when they are insulted and humiliated by white theatrical managers in sections of the country where they are unable to get legal redress they should withdraw their patronage. In the past we have made white managers, North and South, who are favorable to "Jim Crowism," believe that we are anxious to give them our money, and we consider it a rare privilege to be grossly insulted.

There are many indignities to which the colored American is subjected because he fails to convincingly show his displeasure. No matter how great the insult, there always can be found members of the race who are willing to forgive and forget. Absolutely bald of self-respect and lacking in race pride, the more you kick this peculiar specimen of humanity, the more effusive is his smile of appreciation. We must expect white people who favor "Jim Crowism" to heap indignity after indignity upon us without fear of being summarily dealt with as long as such people abound.

It is surprising to learn how many colored people hold up the hands of those who insult the race and assure them that no great harm has been done, no matter how serious the offense. Some are guilty of such disloyalty because of their desire to get into the

good graces of the offenders; others are actuated by purely selfish motives; while there are colored people who are so lacking in race consciousness that they are fully imbued with the idea of the superiority of the white race in all things and at all times. Segregation to this class of colored people excites no unusual interest, arouses no displeasure and brings forth no word of protest. A fight for principle means the unnecessary lamentations of a few soreheads who are looked upon as public nuisances.

A most timely and practical solution to the theatrical situation in Louisville has been offered by the *Louisville News*, one which could be recommended to the colored citizens of other States. If the colored people would patronize theatres owned by colored men, who make a bid for their patronage, it would not be long before these houses would be in a position to give high-class performances. At the same time colored people would be able to retain their self-respect. A valuable opportunity is being overlooked by colored men with money. The time is ripe for the race to open modern theatres in all cities where the colored population is large and where the colored citizens are "Jim Crowed" and told to either accept inferior accommodations or don't come around.

REMOVE THAT SIGN!

We sincerely trust that the good people of Providence will support the Advance in the legitimate fight which it is making to have the sign "For Colored People" removed from the St. Augustine's Episcopal Mission.

It is as the Advance has wisely said, an act without due deliberation and one which calls for the severest criticism from the pulpit and the press.

When we call to mind the Jim Crow experiences of the south and the humiliating reminiscences of those glaring signs which meet the gaze on every turn involuntarily forced upon us by a proscriptive law we do not feel to encourage any thoughtless act on the part of a group of careless individuals which will operate as an excuse to introduce such a system so far north of the Mason & Dixon line.

Yes, remove that sign.